

U. S. RIDIGULES CAPONE'S PLEA

WASHINGTON, Sept. 29.—(INS)

—The government, in a brief filed in Supreme Court today, ridiculed the plea of Al Capone, former Chicago gang leader, for freedom on the ground that the Statute of Limitations prevented his conviction for income tax fraud. Capone, now in Alcatraz Prison, is seeking his release on a writ of habeas corpus.

Solicitor-general J. Crawford Biggs said:

"As shown by the record in the October term, 1931, when the case was previously before this court, petitioner raised the precise and only question he now seeks to have reviewed.

"The petition for a writ of certiorari is without merit on any theory."

Capone's lawyers contend that a three-year statute of limitations had expired before his indictment. The government denied this.

69-180-A Chicago Herald & Examiner
9-30-34

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CONFIDENTIAL

U. S. ATTACKS CAPONE'S PLEA FOR FREEDOM

Washington, D. C., Sept. 29.—(AP)—

The government answered back in the negative today to an effort by Alphonse Capone to have the Supreme court order his release from Alcatraz prison in San Francisco bay.

The justice department filed with the high court a brief opposing a review by that tribunal of a habeas corpus proceeding brought by the one time Chicago gangster.

Capone recently was transferred from Atlanta to the Alcatraz penitentiary to serve the remainder of a ten year sentence which he began in May, 1932. The prison sentence and a fine of \$10,000 was imposed on him for alleged violation of income tax laws.

At the time of his trial Capone contended he could not properly be prosecuted because the charge was not brought within three years of the alleged offense.

Solicitor General Biggs, in opposing the review, declared no new questions were raised by Capone's present petition. He contended that with four lower federal courts agreeing that the prosecution had been brought in time, and with the Supreme court having once refused to pass on the question, it should again decline to grant a review.

19. 170-14 Chicago Tribune
9-30-34

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U. S. HITS CAPONE PLEA FOR LIBERTY

Brief Tells High Court Gangster's Petition Has No New Questions.

By the Associated Press.

The Government answered back in the negative yesterday to an effort by Alphonse Capone to have the Supreme Court order his release from Alcatraz Prison in San Francisco Bay.

The Justice Department filed with the high court a brief opposing a review by that tribunal of a habeas corpus proceeding brought by the one-time Chicago gangster.

Recently Transferred.

Capone recently was transferred from Atlanta to the Alcatraz Penitentiary to serve the remainder of a 10-year sentence which he began in May, 1932. The prison sentence and a fine of \$10,000 was imposed on him by the Federal courts in Illinois for alleged violation of the income tax laws.

At the time of his trial, Capone contended he could not properly be prosecuted because the charge was not brought within three years of the offense. When the lower Federal courts decided against him, he sought review by the Supreme Court which was refused.

Habeas Corpus Action.

Recently while at Atlanta, he brought habeas corpus proceedings in the Federal courts there to obtain his release on the same grounds, contending he was unlawfully deprived of his freedom.

Again the lower Federal courts decided against him and he is now asking the high court to review their action.

Solicitor General Biggs, in opposing the review, declared no new questions were raised by Capone's present petition. He contended that with four lower Federal courts agreeing that the prosecution had been brought in time, and with the Supreme Court having once refused to pass on the question, it should again decline to grant a review.

*See
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U. S. Body Denies Al Capone's Plea

Justice Department Brief Opposes Case Review.

The Government answered in the negative yesterday to an effort by Alphonse Capone to have the Supreme Court order his release from Alcatraz Prison in San Francisco Bay, according to an Associated Press report.

The Justice Department filed with the high court a brief opposing a review by that tribunal of a habeas corpus proceeding brought by the one-time Chicago gangster.

Capone recently was transferred from Atlanta to the Alcatraz Penitentiary to serve the remainder of a ten-year sentence which he began in May, 1932. The prison sentence and a fine of \$10,000 was imposed on him by the Federal courts in Illinois for alleged violation of the income tax laws.

Solicitor General Biggs of the Justice Department, in opposing the review, declared no new questions were raised by Capone's present petition.

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AL CAPONE'S PLEA IS DENIED BY U. S.

Uncle Sam yesterday rebuffed a petition by Alphonse Capone, Chicago's erstwhile king of racketeers, for Supreme Court review of his conviction and sentence to prison for cheating on his income tax return.

Capone's petition for a writ of certiorari is without merit on any theory, the Government said in a reply brief filed with the high court.

Argument by Capone's lawyers that the time limit allowed in the statute of limitations for prosecuting him had expired when the Government arrested him in 1931 was not well founded, the Government said.

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WASH. HERALD

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CAPONE RELEASE OPPOSED BY U. S.

Department of Justice Files Brief.

WASHINGTON, Sept. 29 (AP).—The Government filed in the Supreme Court today a brief opposing a review of habeas corpus proceedings brought by Alphonse Capone to obtain his release from Alcatraz, where he is serving a sentence for attempting to evade federal income taxes.

Capone was sentenced to 10 years' imprisonment and fine of \$10,000. He began serving the sentence at the Alcatraz Penitentiary May 6, 1932, but recently was removed to the new Federal prison on the Pacific coast.

Contending the prosecution was barred by the statute of limitations, Capone unsuccessfully sought to obtain a review by the Supreme Court shortly after his conviction. Recently he brought habeas corpus proceedings in the Federal courts in Georgia on the same grounds and, failing there, petitioned the Supreme Court for a review.

The Department of Justice, in its brief filed today by Solicitor General Biggs, asserted the proceedings were brought within the six years granted by law in such cases and insisted the record clearly showed the prosecution was not barred by the statute of limitations.

HOME

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OPPOSITION FILED TO CAPONE'S PLEA

Government Answers Habeas
Corpus Move to Obtain Pris-
oner's Release.

By The Associated Press.

The Government filed in the Supreme Court today a brief opposing a review of habeas corpus proceedings brought by Al Capone to obtain his release from Alcatraz, where he is serving a sentence for attempting to evade Federal income taxes.

Capone was sentenced to 10 years' imprisonment and a fine of \$10,000. He began serving the sentence at the Atlanta Penitentiary May 6, 1932, but recently was removed to the new Federal prison on the Pacific Coast.

Contending the prosecution was barred by the statute of limitations because it was begun more than three years after the offense was committed, Capone sought to obtain a review by the Supreme Court shortly after his conviction, but it was refused.

Recently he brought habeas corpus proceedings in the Federal courts in Georgia, demanding his release on the same grounds. Upon the refusal of the lower courts to release him on habeas corpus he petitioned the Supreme Court for a review.

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U. S. RIDICULES CAPONE WRIT

By International News Service

The Government, in a brief filed in the Supreme Court today, ridiculed the plea of "Al" Capone, former Chicago gang leader, for freedom on the ground that the statute of limitations prevented his conviction for income tax fraud.

Capone, now in Alcatraz prison, is seeking his release on a writ of habeas corpus. Once before the high court refused to consider his case.

The brief of Solicitor-General J. Crawford Biggs, says:

"The petition for a writ of certiorari is without merit on any theory. As shown by the record in the October term, 1931, when the case was previously before this court, petitioner raised the precise and only question he now seeks to have reviewed."

Capone's lawyers contend that a three-year statute of limitations had expired before his indictment in Chicago. The Government denied this and in addition, said he came within the scope of a six-year statute.

file

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THE TIMES

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ADD CAPONE PLEA

THE GOVERNMENT CONTENDED THAT IF CAPONE WENT TO PRISON BECAUSE OF A FACTICAL ERROR ON THE PART OF ATTORNEYS WHO REPRESENTED HIM IN THE LOWER COURTS IT IS TOO LATE TO REMEDY THAT DEFECT.

"WHILE PETITIONER APPEALED FROM HIS CONVICTION TO THE CIRCUIT COURT OF APPEALS FOR THE 7TH CIRCUIT, HE FAILED TO RAISE THEREON ANY QUESTION CONCERNING THE STATUTE OF LIMITATIONS, AND HE MAY NOT NOW, BY WRIT OF HABEAS CORPUS, AVOID ANY MISTAKE HE MAY HAVE MADE, FOR IT IS WELL SETTLED THAT MERE ERROR CANNOT BE REVIEWED ON PETITION FOR SUCH A WRIT," RIGGS CONTENDED.

9/29--R1213P

Mr. Coffey
Mr. Cowley

Mr. Edwards

Mr. Egan

Mr. Harbo

Mr. Keith

Mr. Lester

Mr. Quinn

Mr. Connelley

Mr. Connelley

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DEPT. OF JUSTICE

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AL CAPONE'S PLEA TO THE SUPREME COURT FOR RELEASE FROM ALCATRAZ ISLAND WAS ASSAILED TODAY IN A BRIEF FILED BY SOLICITOR GENERAL CRAWFORD BIGGS.

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ALBUQUERQUE ALBUQUERQUE

Appeal Before Supreme Court Have Failure to File Tax Return Was Not Case of Fraud

The United States Supreme Court will shortly hear from the Tax Court whether the conviction of Alcala was based on fraud, or on the ground which the government charges.

Capone still seeks to make his escape by legal means and by raising a point which, under construction of the court in previous cases, should entitle him to liberty from the 30-year sentence he is serving.

SURE IT WAS MISTAKE

Those familiar with Capone's case are sure that he could not have been sent to the penitentiary on the offense for which he is now being punished if someone had not blundered.

Capone's sentence was imposed for failure to file income tax returns for 1926, 1927 and 1928. He was indicted more than three years after the last date on which he could file a return.

At his trial Capone's lawyer contended that these indictments were outlawed. The trial court ruled against the contention. It held that the offense was one of fraud against the Government. Such an offense may be prosecuted six years after commission. More failure to file a return is an offense which may not be prosecuted more than three years after commission.

The question was not raised in Capone's case on a previous appeal.

NOT A FRAUD

It was only a few weeks when the first Supreme Court opinion when the court in another case ruled failure to file a return could not be prosecuted as a fraud against the Government. The three-year statute of limitations provided, they found.

Immediately after the ruling Capone sought to obtain release from Atlanta Penitentiary. The government proceedings against him were continued. The Federal Bureau of Investigation and the Department of Justice are now waiting for the Supreme Court of Albany, New York.

WASH. NEWS

SEP 27 1934

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Officials Accused In Capone Tie-Ups

HOUSTON, Tex., Sept. 14 (U.P.)—Al Capone was moved to Alcatraz Island to break up his underworld connections, E. R. Cass, of New York, general secretary of the American Prison Association, said here today. Cass added:

Contrary to reports, Capone was not a model prisoner at Atlanta. Even while he was in the penitentiary there he carried on his outside affairs with the help of a staff of lawyers and others. The "others," he intimated, may have been public officials.

WASH. HERALD

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AL CAPONE

buildings on Alcatraz are as modern as its safeguards, with even the ceiling of the dining room equipped with gas cylinders to be used against the convicts in the event of an outbreak.

The currents are strong in the surrounding waters, and an expert swimmer needs an hour's time to negotiate the mile and a half from the rocky slope to the mainland.

Mussolini's Lipari Islands are not prisons in the sense that strong walls make a prison. They are seven volcanic rocks off the coast of Sicily, rather idyllic places with vegetation and delightful climate. But they are as isolated as the tiny isles of the South Seas, having no connection with the outside world, save the twice-a-month visit of the steamer from Messina.

Signor Arpinati, formerly a member of the chamber of deputies and undersecretary of the interior, joins there about 700 other exiles, persons who, by word, deed or thought, have offended against the sacred dictates of fascism.

Arpinati is to serve five years because "in various circumstances he assumed an attitude in contrast to directions which should be followed by whomever has the honor of belonging to the Fascist party."

between the hot and 6:00 a. m. remain indoors. Ever over the is the black smoke the red glare of most famous of

has been active 2,000 years.

"The Lighthouse terranean" is easternmost of where it rises to height of 3,083 of the wonders something which such as the hark Taj Mahal and Himalayas.

A few weeks was to be heard Two mighty th warned the 1,50 that the gods troubled, and for on the mainland, who had heard were fearful lest should pour down covered slopes, man, beast and ve

Island prisons to mind the pen France and Mexico the coast of known as Devil other in the Paci Three Marys. T tion about these b punishment.

Human Side of the News - By Edw

Uncle Sam has his Alcatraz Island, and Mussolini has Lipari. To the one has gone Al Capone, once rated America's public enemy No. 1, and to the other goes Leandre Arpinati, who only one year ago was rated Il Duce's right-hand man.

The idea of a Federal prison on an island is the New Deal which the Roosevelt administration is handing out to desperadoes of the type of Dillinger and "Machine-Gun" Kelly. Attorney General Cummings conceived the idea of isolating such vicious criminals on Alcatraz. Formerly the Army's military prison, the soldiers christened it "The Rock."

Such it is, 12 acres of hard stone, standing alone in San Francisco Bay a mile and a half from the mainland. The prison buildings on Alcatraz are as modern as its safeguards, with even the ceiling of the dining room equipped with gas cylinders to be used against the convicts in the event of an outbreak.

The currents are strong in the surrounding waters, and an expert swimmer needs an hour's time to negotiate the mile and a half from the rocky slope to the mainland.

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Arpinati is to serve five years because "in various circumstances he assumed an attitude in contrast to directions which should be followed by whomever has the honor of belonging to the Fascist party."

One of the first persons to be sent to Lipari by Mussolini was Domizio Tortigliani, grand master of the Masons of Italy. Francisco Nitti, nephew of the former premier, who joined him later, made a sensational escape in 1929 along with Carlo Rosselli, a Roman professor, and Emilio Lussu, a decorated war hero.

Contradictory stories are told of the treatment of the prisoners on Lipari but it seems well

established that the punishment is far more mental than physical. The prisoners hire their own rooms, usually living three together. They receive 50 cents a day and have the liberty of the islands, except

between the hours of 9:00 p. m. and 6:00 a. m. when they must remain indoors.

Ever over their heads by day is the black smoke and by night the red glare of Stromboli, that most famous of volcanoes which

has been active for more than 2,000 years.

"The Lighthouse of the Mediterranean" is on the north-easternmost of the islands, where it rises grandly to a height of 3,083 feet. It is one of the wonders of the world, something which must be seen, such as the harbor of Rio, the Taj Mahal and sunrise in the Himalayas.

A few weeks ago Stromboli was to be heard as well as seen. Two mighty thunderclaps warned the 1,600 inhabitants that the gods of fire were troubled, and for a time those on the mainland, 35 miles away, who had heard the explosions, were fearful lest streams of lava should pour down the vineyard-covered slopes, carrying away man, beast and vegetation.

Island prisons always bring to mind the penal colonies of France and Mexico, the one off the coast of French Guiana known as Devil's Island, the other in the Pacific called The Three Marys. There is no question about these being places of punishment.

In seventy years France has sent sixty thousand convicts to the terrific heat and the yellow fever of Devil's Island and two adjoining small dots in the ocean. Few sights are more horrible than the loading and departure of the old prison ship La Martiniere from La Rochelle. The cargo is mostly one of cutthroats and incorrigibles.

An exception was Captain Alfred Dreyfus, whose trial, conviction and subsequent exoneration of a treason charge made history.

Some of the elements of the Dreyfus case enter into the story of Benjamin Ullme, only recently returned to Paris after 25 years in the penal colony. Ullme, a young ensign, stole some military papers to get funds to satisfy the tastes of an expensive sweetheart. He demanded money from the government on the threat of selling the papers to a foreign power. He was trapped easily and as easily condemned to penal servitude for life.

Reports from France indicate that Ullme's reasoning has been affected by his prison ordeal. The wonder is that he did not go stark mad years ago. From 1908 until 1916 he was a "solitary" on "The Black Rock" talking to no human and seeing none but his guards.

He saved himself from self-destruction or violent insanity only by talking to the trees of the jungle and to the sharks of the sea.

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WASH. TIMES

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Mr. Quinn.....
Mr. Schilder.....
Mr. Tamm.....

Poor Al Capone?

We Can't See It.

Pity poor Al Capone?

Whip up a little righteous indignation against Uncle Sam for daring to "taint the record" of this "model prisoner" by sending him out to the new federal prison on Alcatraz Island in San Francisco Bay?

Maybe you can. We can't.

Al's record started long before the bars at Atlanta saved him from the fate to which his henchmen had consigned plenty of ganglanders. It was far from a model record. Indeed, it was below tainting.

We hope Al adjusts himself to his new surroundings and that we don't have to hear from him or about him for a long time.

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Chicago American
9-4-34

Alcatraz Official Refuses to Specify Duties.

"Every man in the institution has been put to work now," Johnston said, "and the prison's new routine is officially under way." He declined to say whether Capone has been put to work in the prison's laundry, tailor shop, shoe shop or at general maintenance.

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Mr. Tamm

WASH. STAR SEP 1 1934

CAPONE MIAMI HOME RAIDED

MIAMI, Fla., Aug. 31 (US).—The main hall of Al Capone's Palm Beach mansion were invaded last night by police and Federal agents searching for perpetrators of last week's \$427,000 Brooklyn, N. Y., armored car holdup, it was learned late today.

Raiding officers said they acted on a tip that the robbers, who fled the Brooklyn shore in speedboats, were taken south on another craft and had holed up in the Capone home.

After the search, officers said there was no evidence to substantiate this theory. A caretaker told the raiders the house had been closed for several weeks and that Mrs. Capone and her son, Al, Jr., were in the north.

N.Y. American
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Mr. Schilder
Mr. Tamm

AL CAPONE

DIVISION OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

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CAPONE PUT TO WORK IN ALCATRAZ PRISON

San Francisco, Cal., Aug. 31.—(AP)

All newly arrived convicts at the new federal prison on San Francisco bay's Alcatraz island, including Al Capone, have been assigned to duties, Warden James Johnston announces.

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Chicago Daily News

69-180-A

8-31-34

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- Mr. Edwards
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- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

Al Capone Put to Work at Alcatraz
 SAN FRANCISCO, Aug. 30.—(AP)—All newly arrived convicts at the new federal prison on San Francisco Bay's Alcatraz Island, including Al Capone, have been assigned to duties, Warden James Johnston announced today. He declined to say what work Capone is doing.

file

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69-180-Chicago Herald & Examiner
 8-31-34

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 Mr. Harbo
 Mr. Hendon
 Mr. Lester
 Mr. Quinn
 Mr. Schilder
 Mr. Tamm

Capone Files New Petition For Freedom

Supreme Court Again
 Urged to Review
 Conviction.

Seeking freedom from America's "Devil's Island," Alphonse Capone, once Chicago's gangster chief, yesterday appealed to the Supreme Court to reverse decisions of lower courts that denied his claim of conviction after the statute of limitation had expired.

It was the second time the erstwhile "Public Enemy No. 1" had asked the Supreme Court to review his conviction. His prison sentences aggregate 11 years and fines totaling \$50,000, together with costs of prosecution, for violation of the income tax laws.

From behind his cell here in the Federal Penitentiary at Atlanta, Ga., Capone directed his attorneys here, William E. Leahy and William J. Hughes, Jr., to take the new step. But the gangster was whisked away in secrecy from Atlanta to the Government's prison for bad men on Alcatraz Island, in San Francisco Bay, before the petition was filed here.

The document charges that Capone was convicted on three counts in an Illinois Federal court of violating the income tax law after the three-year statute of limitations had expired. The convictions, it cited, were on charges of income tax evasion in the calendar years 1925, 1926 and 1927, while indictments were not returned until June 8, 1931.

Capone's attorneys asked the three-year limitation of statutes for violations of internal revenue laws. At "Scarface Al" trial Government counsel maintained that in cases where defendants concealed or attempted to defraud the Government, the limitation was six years.



WASH. POST
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Mr. Coffey
Mr. Edwards
Mr. Harbo
Mr. Keith
Mr. Quinn
Mr. Schilder
Mr. Smith
Mr. Taylor
Mr. White

He was sentenced to 10 years in Federal prison, beginning May 6, 1932. In addition he was fined \$30,000 and costs of his trial.

IN REPLY TO

with 12/13

file 104

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AL CAPONE

AL CAPONE TRIES AGAIN TO REGAIN FREEDOM FOR SELF

Washington, D. C., Aug. 28.—[Special.]—The United States Supreme court was petitioned today to review the judgment of lower courts denying Al [Scarface] Capone, former Chicago gang chief, a writ of habeas corpus filed against A. C. Aderhold, warden of the Atlanta penitentiary. Al Capone is now in Alcatraz Island prison, off the Pacific coast.

The petition, filed by Attorneys William E. Leahy and William J. Hughes Jr. of Washington, contends that Capone was tried in the federal district court in Illinois and convicted on three charges of violating the internal revenue laws after expiration of the statute of limitations.

The legal limitation excepts cases in which defendants defraud or attempt to defraud the government, and it was on that point that Capone was prosecuted.

Capone filed his habeas corpus petition in the federal court of northern Georgia. It was denied there and in the Circuit Court of Appeals.

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169-180-A Chicago Tribune 8-29-34

Aug 28 1964

Gangster Asks Review of Habeas Corpus Case.

Capone filed his petition for a habeas corpus writ in the Federal court of northern Georgia and it was denied. He appealed to the Circuit Court of Appeals in the Fifth Circuit, which affirmed the judgment of the lower court.

69-180-A

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Mr. Nichols
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Mr. Hendon
Mr. Jones
Mr. Quinn
Mr. Nease
Mr. Gurnea
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
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AL. CAPONE ASKS SUPREME COURT TO REVIEW PLEA

Washington, D. C., Aug. 28.—(AP)—Alphonse ("Scarface Al") Capone, the convicted Chicago gangster, today asked the Supreme court to review the judgment of lower courts denying him a writ of habeas corpus, filed against A. C. Alderhold, warden of the Atlanta Penitentiary.

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CAPONE CASE GOES TO HIGH TRIBUNAL

Petition Asks Supreme Court to Overrule Georgia Judge.

By the Associated Press.
Alphonse Capone, convicted Chicago gangster, yesterday asked the Supreme Court to review the judgment of lower courts denying him a writ of habeas corpus filed against A. C. Aderhold, warden of the Atlanta penitentiary.

The petition was filed for Capone by Attorneys William E. Leahy and William J. Hughes, jr., of Washington. It contended Capone was tried in the Federal District Court in Illinois and convicted on three charges of violating the internal revenue laws after expiration of the statute of limitations.

The petition said Capone was convicted for violation of the income tax laws for the calendar years 1925, 1926 and 1927, and indictments were not returned until June 5, 1931.

Sentenced to 10 Years.

The petition said on these three counts Capone, who recently was transferred to the new Federal prison at Alcatraz in San Francisco Bay, was sentenced to an aggregate of 10 years in the penitentiary and to pay a fine of \$30,000 on those three counts.

The indictment, the petition said, "showed on its face that the offenses charged in counts 1, 5 and 9 were committed more than three years prior to the filing of the indictment."

Three-Year Limit.

The petition cited that the Internal Revenue laws provide a three-year limitation on such charges, except for cases wherein defendants defraud or attempt to defraud the Government. It cited that in the prosecution of Capone, Government attorneys contended the offenses in the three counts "involved defrauding or attempting to defraud the United States, and that hence the period of limitation applicable to said offenses are six years and not three."

Capone filed his petition for a habeas corpus writ in the Federal Court of Northern Georgia and it was denied. He appealed to the Circuit Court of Appeals in the fifth circuit, which affirmed the judgment of the lower court.

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Mr. Tolson
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm

7/29/34
N.Y. American

CAPONE IN NEW BID FOR LIBERTY

WASHINGTON, Aug. 28 (AP).—

Seeking freedom from America's "Devil Island," Al Capone, once Chicago's gangster chief, today appealed to the Supreme Court to reverse decisions of lower courts that denied his pleas for a writ of habeas corpus.

It was the second time the erstwhile "public enemy number one" had asked the Supreme Court to review his sentence to eleven years' imprisonment and fines totaling \$50,000 for violation of the income tax law.

His attorneys here, William E. Leahy and William J. Hughes, Jr., filed a petition charging Capone was convicted after the three-year statute of limitations had expired. In 1932 the Supreme Court denied Capone a review of his case.

CHICAGO, Aug. 28 (AP).—

Ralph Capone, brother of the ex-gang leader, released only a few weeks from McNeill Island penitentiary, where he atoned for dodging Federal income taxes, was named today in a suit by the State to collect \$20,424 delinquent taxes and penalties.

19-180-A

file
109

Mr. Elegg.....
 Mr. Daughman.....
 Mr. Coffey.....
 Mr. Cowley.....
 Mr. Edwards.....
 Mr. Egan.....
 Mr. Harbo.....
 Mr. Keith.....
 Mr. Lester.....
 Mr. Quinn.....
 Mr. Schilder.....
 Mr. Tamm.....

AL CAPONE ASKS WRIT REVIEW

WASHINGTON, Aug. 28.—(AP)—
 Alphonse Capone today asked the
 Supreme Court to review the judg-
 ment of lower courts denying him
 a writ of habeas corpus filed against
 A. C. Aderhold, warden of the At-
 tanta penitentiary.

69-180-A Chicago American
 8-28-34

Mr. Tolson	.....
Mr. Clegg	.....
Mr. Glavin	.....
Mr. Ladd	.....
Mr. Nichols	.....
Mr. Rosen	.....
Mr. Tracy	.....
Mr. Carson	.....
Mr. Egan	.....
Mr. Gurnea	.....
Mr. Hendon	.....
Mr. Pennington	.....
Mr. Quinn	.....
Mr. Nease	.....
Mr. Gandy	.....

SAM HUNT WINS TRIAL BY JURY AS BAIL JUMPER

Trial by jury was granted yesterday to Sam Hunt, former Capone gangster, noted for having once carried a machine gun in a golf bag and who was arrested for bond forfeiture on an old vagrancy charge when he was released Thursday from the Bridewell after serving most of a year's term for carrying concealed weapons. Judge John J. Rooney, in Safety court, set the trial for Oct. 11 and fixed Hunt's bond at \$1,000. It was furnished through a professional bondsman.

69-180-A Chicago Tribune file
8-25-34 End

Mr. Nathan	
Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Chief Clerk	
Mr. Coffey	
Mr. Cowley	
Mr. Edwards	
Mr. Egan	
Mr. Harbo	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	✓

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WQNSYY

SAN FRANCISCO--THE TRANSCONTINENTAL PRISON TRAIN, BRINGING 43 NOTORIOUS PRISONERS* TO THE GOVERNMENT'S NEW "DEVILS ISLAND", ARRIVED AT ITS DESTINATION TODAY.

BEFORE NOON THE PRISONERS ARE EXPECTED TO BE CELLED INSIDE ALCATRAZ ISLAND PENITENTIARY.

8/22--R1225P

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Mr. Nathan	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Coffey	
Mr. Cowley	
Mr. Edwards	
Mr. Egan	
Mr. Harbo	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	✓

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WNS58

MARTINEZ, CAL.--THE COURSE OF THE FEDERAL PRISON TRAIN, BELIEVED CARRYING AL^A CAPONE AMONG ITS 43 PRISONERS, WAS CHANGED ABRUPTLY HERE TODAY IN A MANEUVER APPARENTLY PLANNED TO AVOID BRINGING THE TRAIN DIRECTLY INTO SAN FRANCISCO.

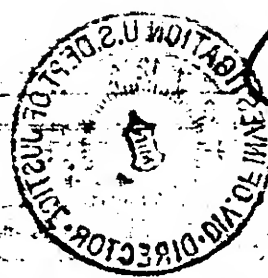
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Mr. Nathan	
Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Chief Clerk	
Mr. Coffey	
Mr. Cowley	
Mr. Edwards	
Mr. Egan	
Mr. Harbo	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	✓



VCN5115

TRANSFER OF AL CAPONE FROM ATLANTA TO ALCATRAZ WAS ANNOUNCED TODAY BY SANFORD BATES, U.S. PRISON COMMISSIONER.

FORTY-THREE PRISONERS WERE TRANSFERRED FROM ATLANTA TO ALCATRAZ AND 10 MORE WENT FROM THE NORTHEASTERN PENITENTIARY IN LEWISTON, PA. WITH CAPONE, BATES REVEALED THAT OTHER INMATES, INCLUDING EDWARD O'BRIEN, JAMES COLSON, HERBERT S. WESTON, AND J. W. WATTS, HAD BEEN TRANSFERRED TO THE ISLAND PRISON.

PRISON BUREAU OFFICIALS REFUSED TO MAKE PUBLIC THE FULL LIST OF THOSE SENT TO ALCATRAZ.

8/22--R349P

U. S. AGENTS RUSHED TO CAPONE'S TRAIN

LOS ANGELES, Aug. 31 (U.S.).—Squads of Department of Justice agents, armed with machine guns, tear gas bombs and sawed-off shot-guns sped from the Federal Building late today.

They had orders to surround the prison train carrying 43 notorious desperadoes, including a convict identified as Al Capone, to the Federal prison on Alcatraz Island when the special, itself bristling with guards, entered Los Angeles.

Whether the Department of Justice had information as to a possible attempt to deliver Capone or others en route from the Federal prison at Atlanta could not be learned.

Mr. Nathan
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schliker
Mr. Tamm

W. J. WILSON

ALCATRAZ

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Capone Train Nears West Coast Prison

By United Press

EL PASO, Tex.—The prison cars carrying Al Capone, deposed Chicago gang leader, and 52 others of the nation's most dangerous convicts to the new Government prison on Alcatraz Island, left here early today after a brief stop and resumed the run to San Francisco. They are expected tomorrow or early Thursday.

The cars attached to a regular train when they left Atlanta, Ga., where Capone was confined in the Federal

penitentiary following conviction on charges of income tax evasion, now are running as a separate section.

Two prison cars, heavily armored and with barred windows, a diner and two sleeping cars for the guard comprise the section.

Crowds surrounded the cars on stops in Texas, but were not allowed within 20 feet, being kept back by heavily armed guards.

Mr. Tolson
Mr. Clegg
Mr. Glavin
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm

WASH. NEWS

AUG 21 1934

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Mr. Nathan
 Mr. Tolson
 Mr. Clegg
 Mr. Baughman
 Chief Clerk
 Mr. Coffey
 Mr. Cowley
 Mr. Edwards
 Mr. Egan
 Mr. Harbo
 Mr. Keith
 Mr. Lester
 Mr. Quinn
 Mr. Schilder
 Mr. Tamm

CAPONE'S TRANSFER GOES UNCONFIRMED

Cummings Silent on Report of
Gangster's Removal to
Alcatraz Island

By the Associated Press.

SAN FRANCISCO, August 21.—Re-
ports that Al Capone is aboard a
heavily guarded train bringing him
to the new Federal prison on San
Francisco Bay's Alcatraz Island re-
mained without official confirmation
here today.

United States Attorney General
Homer S. Cummings declined to dis-
cuss the matter after the San Fran-
cisco Chronicle quoted him as saying
the former Chicago gang leader "is
not headed for Alcatraz."

The train, presumably carrying Ca-
pone and 42 other prisoners, passed
through El Paso, Tex., about mid-
night. One of the prisoners who
closely resembled Capone—even to the
long scar on his face—waved to a
news reporter, but heavily armed
guards refused to permit any one to
communicate with the prisoners.

Under normal schedules the prison
cars should reach here late tomorrow.

Mr. Nathan
 Mr. Tolson
 Mr. Clegg
 Mr. Baughman
 Chief Clerk
 Mr. Coffey
 Mr. Cowley
 Mr. Edwards
 Mr. Egan
 Mr. Harbo
 Mr. Keith
 Mr. Lester
 Mr. Quinn
 Mr. Schilder
 Mr. Tamm

AL CAPONE



WASH. STAR

AUG 21 1935

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HOUSTON, Tex., Aug. 20—Forty-three notorious criminals, one of them identified as "Scarface Al" Capone, one-time public enemy No. 1 of the nation, rolled across Texas today in two heavily-barred and closely-guarded railway coaches on their way to Alcatraz prison in San Francisco Bay—America's "Devil's Island."

The train, overrun by Federal agents carrying automatic shot-guns, attracted plenty of attention when it stopped at New Orleans, but in Houston it received no notice and was well on its way westward before it was learned that the notorious Capone was aboard.

At New Orleans, newspaper men crowded about the train and one of them shouted to the convicts inside:

A prisoner yelled back:

At the sixth window, the man indicated as Capone merely grinned when he was asked to confirm his identity. He ducked when a photographer tried to shoot a picture through the window. And a Government man with leveled gun ordered the camera man away.

Capone and the others were taken from Atlanta Penitentiary secretly yesterday morning and started on their long journey to the remodeled and reinforced Alcatraz Prison, where are to be incarcerated the most dangerous of the nation's convicts.

WASH. HERALD

Mr. Adams
Mr. Clark
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm

69-170-1

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Cummings Silent On Capone Move

Attorney General Declines to Discuss Transfer.

San Francisco, Aug. 30 (AP).—Attorney General Cummings declined here tonight to discuss reports that Al Capone, former Chicago gang leader, is being brought to the New Federal prison on San Francisco Bay's Alcatraz Island.

The Attorney General, after the Chronicle had quoted him as denying that Capone is being brought to the prison, said:

"I have consistently declined and am consistently declining to discuss the matter. I do not propose to make any statement whatsoever."

The Chronicle quoted the Attorney General as saying: "That's one point on which reports are wrong. Capone is not headed for Alcatraz. That's all I can say at this time, since we never discuss such matters."

Mr. Clapp
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm

WASHTON

Aug 31

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AL CAPONE SPEED WEST AFTER ESCAPE PLOT

CHICAGO, Aug. 10.—Al Capone, late-time public enemy No. 1, is en route to the Desolate Island prison, Alcatraz, in San Francisco Bay, it became known here today.

The former king of the hoodlums is being moved to secrecy from the Federal prison in Alameda, Cal.

Capone faces eight years imprisonment at Alcatraz. Joining a group of prisoners from other prisons, including 18 from Pennsylvania, Capone is being sent westward by an undesignated route under heavy guard, officials fearing some move might be made to free him en route if advance announcement of the transfer were made.

ESCAPE PLOT FOILED.

The transfer was begun three days ahead of schedule, it was reported, following discovery of files in the cells of one or more of the prisoners to be removed. Whether Capone was implicated in this apparent scheme for escape could not be learned. Complete silence was maintained by Government agents here and along the expected route of transfer regarding the entire happening.

Fourth Death Linked to Yacht Explosion

Haven, Recky Operator, Dies from Heart Attack

ANN ARBOR, Mich., Aug. 10.—A. O. S. Haven, 78, for many years a leading operator in shore real estate, died today of a heart attack.

His death is the fourth which is traceable to an explosion which occurred aboard Mr. Haven's cabin cruiser, *Alfreda*, on July 15.

Alcatraz, New Capone Home, U. S. 'Devil Isle'



THE DESOLATE ISLAND PRISON OF ALCATRAZ IN SAN FRANCISCO BAY

This is the first of two articles about the Federal Prison on Alcatraz Island in San Francisco Bay to which Al Capone and other Federal prisoners are being taken today.

By HAROLD HEROUX.

ALCATRAZ ISLAND, Cal., Aug. 10 (By International News Service).—With a few days ferryboat captains will change courses to avoid coming close to this island in the middle of San Francisco Bay, site of Uncle Sam's newest Federal penitentiary.

Because James A. Johnston, Warden of America's so-called "Devil's Island," has erected huge signs, reading:

"Warning—Keep off!"

"The Secretary of War has declared that only Government boats shall be permitted within 300 yards of Alcatraz. Persons attempting to enter without authority do so at their own risk."

To back this warning are trained gun guards, armed with the latest equipment and stationed in a series of towers, some to be seen



AL CAPONE

from a distance, others mounted "The tower at that point prisoners will be kept back," said Warden Johnston, "and they will be kept here, as the government has spent several hundred thousand dollars to make this prison 'escape proof.'"

"Crack guards from Alcatraz."

Lawrence, Johnston and other government prisoners have been transferred here and put through extensive training. They will be able to cope with attempted breakouts or riots.

They claim "tough customers" are already in cells here. There is room for 300, but only about 200 will be sent here at present.

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Noted Public Enemy Reported Being Sent There From Atlanta

**Officials Refuse Denial or
Confirmation; Escape From
Island Virtually Impossible**

Unless good signs fail, Al Capone is on his way today to spend five or six years in the new American "Devil's Island," Alcatraz Fortress in San Francisco Bay.

The first public enemy of his time was reported without official denial to be traveling under heavy guard to the new prison which the Government believes is as nearly escape-proof as natural conditions and human ingenuity can make it.

Capone was said to be a passenger on a special two-coach train transporting about 40 prisoners from Atlanta and Lewisburg, Pa., prisons to Alcatraz. The transfer was being effected with utmost secrecy.

OFFICIALS SILENT

The Department of Justice here refused to confirm the report. At the same time officials would not deny Capone was being transferred. Since it was believed an official denial would have been made promptly were he not en route to San Francisco, opinion was that he is a member of the party.

At New Orleans, where the report was first made, a newspaperman, a prisoner who generally resembled Capone was spotted at a car window. When the interest of reporters was aroused, guards quickly pulled down the window shade.

Capone is known to have been one of the prisoners on the list of dangerous criminals selected for transfer to Alcatraz. He has been in Alcatraz penitentiary since his conviction in Chicago on income tax charges.

CLOSELY GUARDED

Very authentic reports have come out of the prison regarding the gang leader's life. Recently, however, he has been working in the prison workshop. He was convicted in 1930 and sentenced to an 11-year term. With time off for good conduct he has between five and six years more to serve.

At Alcatraz, Capone will find the most rigorous discipline of the Federal prison system. The prison, originally a fortress and in recent years

an army punishment barracks, has been completely renovated. The walls are several feet thick.

The island is surrounded by swift and treacherous currents.

Mr. Nathan

Mr. Clegg

Mr. Laughman

Chief Clerk

Mr. Coffey

Mr. Cowley

Mr. Edwards

Mr. Egan

Mr. Harbo

Mr. Keith

Mr. Lester

Mr. Quinn

Mr. Schilder

Mr. Tamm

WATSON

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Mr. Nathan

Mr. Tolson

Mr. Clegg

Mr. Laughman

Chief Clerk

Mr. Coffey

Mr. Cowley

Mr. Edwards

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Mr. Harbo

Mr. Keith

Mr. Lester

Mr. Quinn

Mr. Schilder

Mr. Tamm

Prison Officials Silent on Report Plan for Break

ATLANTA, Ga. — The possibility of an attempted break was believed today to have prompted officials to transfer Al Capone and 42 other convicts at the Atlanta Federal penitentiary to the Alcatraz prison island in San Francisco Bay, where the Federal "bad boys" are kept.

Tight lipped prison officials here would not discuss the report that files and paraphernalia for a possible jail break were discovered in the cells of some of the 42 prisoners who are en route today to the West Coast prison.

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69-180-15

CAPONE TAKEN TO ALCATRAZ, 'DEVIL'S ISLE'

ATLANTA, Ga., Aug. 20 (I.N.S.). A rolling fortress today was reported bearing Al Capone across the Continent from the Federal penitentiary here to Alcatraz, Uncle Sam's new "Devil's Island" prison for hardened criminals, in San Francisco Bay.

Picked squads of well armed Federal agents guarded the two special railroad coaches carrying some score convicts to the grim island prison.

Among them, it was reliably reported, was the swarthy Capone, former overlord of Chicago's gangdom of prohibition days, who still must serve eight years of a sentence for income tax fraud.

Dangerous Taken

Quietly the prisoners, considered the most dangerous and notorious of the Government's wards, were taken from the penitentiary cells here early yesterday morning and hustled aboard the coaches in the penitentiary siding. The coaches were attached to a passenger train and the trip westward began.

At each stop the corps of Federal guards, each carrying an automatic riot gun, deployed about the coaches and waved curiosity seekers away. Strict secrecy was employed along the route to guard against anyone approaching the trains. The identities of the prisoners likewise were closely guarded.

But at New Orleans last night, while the train was waiting in the Louisville and Nashville yards for transportation across the Mississippi, one of the prisoners nodded in the affirmative to a bystander who shouted the question:

"Is Capone in there with you?"

Observers reported that one of the prisoners peering out the window resembled the convicted underworld king.

Cameras Routed

Federal guards chased away a photographer who tried to take a picture of the grinning face identified as that of Capone.

Escape from Alcatraz Island, hemmed in by swift flowing tides, is considered impossible.

Capone and his fellow convicts on the trip westward were kept in ignorance of their destination.

Mr. Nathan
Mr. [unclear]
Mr. [unclear]
Chief Clerk
Mr. Coffey
Mr. [unclear]
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schlufer
Mr. [unclear]

WASH. TIMES

AUG 20 1934

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Moved secretly in barred railroad car, Al Capone goes from Atlanta to Alcatraz Island, United States "Devil's Island," in San Francisco Bay. The picture shows an automatic signal operator and closing cell in main building of prison, when Attorney General Homer S. Cummings and other officials inspected the island recently. Also in the group above are Mayor Angelo Rossi of San Francisco, Warden James A. Johnston and Chief of Police William J. Quinn of San Francisco.

- Mr. Nathan
- Mr. Tolson
- Mr. Clegg
- Mr. Baughman
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

Al Capone Rides Prison Car To New U.S. "Devil's Island"

Great Secrecy Attends Transfer From Atlanta to Alcatraz on West Coast

NEW ORLEANS, Aug. 30 (AP).—Al Capone, America's public enemy No. 1 long before the world had ever heard of John Dillinger, is on his way to a new prison home.

He is being transferred with great secrecy from Atlanta Penitentiary to the new Alcatraz prison in San Francisco Bay—the prison Federal authorities call "impregnable."

With forty-two other prisoners Capone was whisked out of the penitentiary in Atlanta on the early hours of Sunday. Guarded by a picked squad of Federal agents carrying automatic shotguns, the prisoners were placed in two specially built screened and barred railroad cars and started on their way to Alcatraz—the island prison fortress designed for convicts considered too dangerous to be kept in ordinary prisons.

Although Federal authorities maintained a tight-lipped silence about reports the former Chicago gang leader was being sent to the Pacific Coast prison, his presence in the group was established by newspapermen when the convict cars arrived here.

When the two cars were stopped for a change of trains, a prisoner who strongly resembled Capone just grinned when some one called: "Is that you, Al?"

While the cars waited to be ferried across the Mississippi River the guards kept the curious at a distance.

"Is Al Capone in there?" one called out.

One prisoner nodded his head and yelled back:

"In this car, by the sixth window."

The occupant of window No. 6 looked just like the ex-gang lord. He grinned when the reporter called to him and ducked hurriedly—as Capone did in days gone by—when a photographer aimed a camera in his direction.

An unidentified official was asked if Capone had special drawing room accommodations.

"Of course, he hasn't," the official said, heatedly—and then checked

himself. He added quickly: "that is, if he was on here he'd be treated just like the rest of them."

The two cars were switched off to the Southern Pacific line.

Flies and paraphernalia for a jail break found in the cells of some of the forty-three prisoners speeded the plans of the Government to send the men to Alcatraz.

The only other known prisoners reported in the group with Capone were "Frisco" Eddie O'Brien, Eddie Colson and Alvin Crip. O'Brien and Colson were train robbers and Crip was a Chicago gunman, at one time an enemy of Capone.

Justice Officials Silent

WASHINGTON, Aug. 30 (AP).—Justice Department officials would neither confirm nor deny today that Al Capone and forty-two other prisoners had been removed from Atlanta Penitentiary and were en route to the new Alcatraz prison in San Francisco Bay.

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Mr. Nathan
 Mr. Quinn
 Mr. Tamm
 Mr. Baughman
 Chief Clerk
 Mr. Coffey
 Mr. Cowley
 Mr. Edwards
 Mr. Egan
 Mr. Harbo
 Mr. Keith
 Mr. Lester
 Mr. Quinn
 Mr. Schiffer
 Mr. Tamm

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Off to Island Exile



AL CAPONE,
 Chicago gang lord, was reported
 last night to be on his way from
 Atlanta Penitentiary to Alcatraz
 Island, the Government's new
 penal colony off the coast of Cali-
 fornia.

WESTPORT

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Mr. Nathan
Mr. Toleon
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schluef
Mr. Tamm

from Toronto to New

The police today said it was not possible to determine whether the man was the same person who was arrested in 1967 for the same crime. The man was arrested in 1967 for the same crime. The man was arrested in 1967 for the same crime.

REARME FLOT POLED.

The transfer was begun three days ahead of schedule, it was revealed, following discovery of files in the cells of one or more of the prisoners to be removed. Whether Deapne was implicated in this apparent scheme for escape could not be learned. Complete silence was maintained by Government agents here and along the expected route of transfer regarding the entire happening.

The special cars carrying the prisoners passed through New Orleans, but crowds were kept at a distance by determined guards. He refused to give any information regarding the identity of the charged.

WANTED OUT TO GROW.

In remembering a call from a man in the street as to whether there was in the party the prisoner pointed toward a heavily barred window. At that window the man reminding the "boss" of the prisoner stood to be taken down to the street.

69-180-A

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Capone Transferred to Island Prison; Files Found in Atlanta

Atlanta, Aug. 19 (AP).—The Constitution says that Al Capone was among 43 prisoners transferred today from Federal Penitentiary here to the Government's new Alcatraz Island Prison in San Francisco Bay.

The transfer was made three days ahead of schedule because of the discovery of files in the cells of some of the prisoners selected for removal to Alcatraz.

In the special car attached to a regular passenger train leaving here at 8:10 a. m. were 10 prisoners who arrived last night from the Federal prison at Lewisburg, Pa., en route to the new prison to which the Government has announced its most notorious prisoners will be sent.

At the Federal prison here no confirmation was forthcoming as to whether there had been a movement of prisoners.

Capone, former Chicago gang chieftain, had been doing a tour in the prison shoe shop to which he was assigned upon entering the prison three years ago to serve 11 years for income tax evasion.

Last midnight two passenger coaches were shunted on to the Federal Penitentiary siding and a few minutes later the guards began

marshaling the prisoners one by one from their cells to the cars.

The only prisoners whose names were learned besides Capone were "Frisco Eddie" O'Brien, Eddie Campbell and Alvin Crip. O'Brien and Colson were identified as notorious train robbers and Crip was said to be a former Chicago gunman and a bitter enemy of Capone before they were sent to the penitentiary.

Each prisoner was awakened separately, marched through the darkened cell blocks and escorted from the prison door to the cars by four guards. In the coaches they were assigned immediately to quarters for the trip across the continent to the "Devil's Island" of the United States, from which escape is considered impossible.

Justice Officials Mum On Reported Transfer

Federal Prison Bureau officials said last night they could neither confirm nor deny the report of the transfer of Al Capone at the present time. Justice Department officials explained the transfers are necessarily surrounded with secrecy until completed.

Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schliker
Mr. Tamm

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- Mr. Tolson
- Mr. Clegg
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Tracy
- Mr. Carson
- Mr. Coffey
- Mr. Cowley
- Mr. Edwards
- Mr. Egan
- Mr. Harbo
- Mr. Keith
- Mr. Lester
- Mr. Quinn
- Mr. Schilder
- Mr. Tamm

Al Capone Transferred To Alcatraz Island Prison

ATLANTA, Aug. 19 (AP).—The Atlanta Constitution says Al Capone was among 43 prisoners transferred today from the Federal penitentiary here to the Government's new Alcatraz Island prison in San Francisco Bay.

The transfer was made today three days ahead of schedule because of the discovery of files in the cells of some of the prisoners selected for removal to Alcatraz.

At the Federal prison here no confirmation was forthcoming as to whether there had been a movement of prisoners.

Capone, former Chicago gang chieftain, had been doing a tour in the prison shoe shop to which he was assigned upon entering the prison three years ago to serve

eleven years for income tax evasion.

NEW ORLEANS, Aug. 19 (AP).—A special heavily-barred railroad car believed to be carrying Al Capone and 42 other prisoners from the Atlanta Federal Penitentiary to the Government's Alcatraz Island Prison in San Francisco Bay arrived here shortly before six o'clock.

Prisoners were seated inside of iron-barred windows. One of them, in response to a shout from a looker-on to know if Capone was inside, pointed to the "sixth" window.

In that window a man who resembled Capone was seated. When asked whether he was Capone the man grinned.

N.Y. American 8/20/34

U.S. DEPARTMENT OF JUSTICE
DIVISION OF INVESTIGATION
AUG 20 1934

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Mr. Nathan	
Mr. Tolson	
Mr. Clegg	
Mr. Baughman	
Chief Clerk	
Mr. Coffey	
Mr. Cowley	
Mr. Edwards	
Mr. Egan	
Mr. Harbo	
Mr. Keith	
Mr. Lester	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	

Report Capone in New 'Devil's Isle'

Possibility of the removal of Al Capone from the comparative comforts of the federal penitentiary at Atlanta to the rigorous confinement at the new Alcatraz prison, the American "Devil's Island," near San Francisco, was a matter of concern for friends of the one-time gang chief yesterday. At Washington, Department of Justice officials refused to affirm or deny reports that Capone had been transferred. United States Attorney Dwight H. Green admitted he had heard that the removal was contemplated.

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*Chicago Herald & Examiner
69-180-1A
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TWO DE GRAZIAS ARE INDICTED FOR U. S. TAX EVASION

Indictments charging Rocco De Grazia and his brother Nick, former Capone gang leaders in the western suburbs, with willful attempt to evade payment of their income taxes for 1929 and 1930 by failure to file returns were returned yesterday before Federal Judge Philip L. Sullivan. The court ordered bench warrants for their arrest and set bond at \$10,000 for Rocco De Grazia and \$5,000 for his brother.

Both men have been at liberty in \$5,000 bonds on a criminal information filed against them several months ago. Rocco De Grazia, who also uses the names De White and A. W. Meyers, and his brother are owners of a combination bowling, gambling, and road house in Melrose Park, according to E. Riley Campbell, special assistant United States attorney in charge of income tax prosecutions.

In the indictments it is charged that Rocco De Grazia in 1929 had an income of \$97,011.54, on which he should have paid \$14,610.78 tax, and in 1930 had an income of \$51,348.37, on which \$5,331 should have been paid. Nick's 1929 income was \$52,474.85, which called for a tax of \$4,997.10, and his 1930 income was \$25,865.79, on which \$1,407.77 tax was due, the indictments stated, charging that neither paid any tax.

Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Jones	
Mr. Mumford	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

Chicago Tribune

69 180 11

7-28-30 131

Mr. Nathan	.....
Mr. Tolson	.....
Mr. Clegg	.....
Mr. Baughman	.....
Chief Clerk	.....
Mr. Coffey	.....
Mr. Cowley	.....
Mr. Edwards	.....
Mr. Egan	.....
Mr. Harbo	.....
Mr. Keith	.....
Mr. Lester	.....
Mr. Quinn	.....
Mr. Tamm	.....

AL CAPONE AIDS

U. S. INDICTS 2 CAPONE AIDS

Echoes of the days when Al Capone was supreme were heard yesterday when two of Al's minor aides, Rocco and Nicholas De Grazia of Melrose Park were indicted for dodging their income tax. The government charges that the two brothers were the head men of the North-West Side branch of the Capone syndicate and had taxable incomes amounting to \$200,000 for the years 1929 and 1930.

The indictments against the De Grazia brothers were returned before Judge Philip L. Sullivan in the Federal Court. If they are found guilty they may be fined \$10,000 each and imprisoned for ten years.

Mr. Nathan	.....
Mr. Tolson	.....
Mr. Clegg	.....
Mr. Baughman	.....
Chief Clerk	.....
Mr. Coffey	.....
Mr. Cowley	.....
Mr. Edwards	.....
Mr. Egan	.....
Mr. Harbo	.....
Mr. Keith	.....
Mr. Lester	.....
Mr. Quinn	.....
Mr. Tamm	.....

Chicago Herald & Examiner

7-28-34

(9)

12

Capone Aids Indicted in Income Case

Rocco and Nicholas De Grana, of Melrose Park head men of the west end branch of the Capone enterprises in prohibition days, were charged with income-tax evasion in separate indictments returned by the federal grand jury before Federal Judge Philip L. Sullivan today.

Rocco was charged with willful attempt to evade and defeat the tax for the years 1929 and 1930. The government charges that for 1929 Rocco had an income of \$97,011.54 and that he neglected to pay a tax of \$14,810.78, and that for 1930 he had an income of \$91,347.37 and that the matter of paying \$5,321.91 seems to have slipped his mind.

Charges against Brother Nicholas for the same years give figures of \$52,474.85 in income for 1929; tax, \$4,997.10; for 1930, income of \$25,365.79; tax, \$1,407.77.

Agent Clarence Converse and other men under the direction of A. P. Madden, local chief of the intelligence unit of the internal revenue department—the men who built the entirely successful income-tax cases against Al Capone and other gangsters—dug up the information which Assistant District Attorney E. Riley Campbell presented to the grand jury, resulting in today's indictments.

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Tamm

Chicago Daily News

69-180-A

7-27-34 133

Indict Two Brothers, Ex-Aids of Capone, as U. S. Tax Dodgers

Rocco and Nick De Grazia, brothers, both of whom formerly were high in the council of the Capone syndicate, were indicted today by the federal grand jury for evasion of income tax payments for 1929 and 1930.

The indictment alleges Rocco owes a total of \$19,932.68 tax for the two years, while Nick owes \$6,306.37. Each faces 10 years in the penitentiary and a \$10,000 fine.

Bench Warrants Issued

The total income of Rocco, former owner of the Greyhound roadhouse in River Grove, for the two years



Rocco De Grazia Nick De Grazia was placed by the government at \$97,011.54. That of Nick was said to have been \$78,340.64.

The indictments were returned before U. S. Dist. Judge Sullivan, who at once issued bench warrants for the arrest of the brothers. He fixed the bail of Rocco at \$10,000 and that of Nick at \$5,000.

Rocco Still Fugitive

Rocco, known to police as a "field lieutenant" for the Capone mob in Melrose Park, was arrested and sentenced to Pontiac for one year for burglary in 1914 and arrested in 1920 on a charge of larceny.

According to the records at the detective bureau, he still is a fugitive.

Mr. Tolson	_____
Mr. Clegg	_____
Mr. Baughman	_____
Chief Clerk	_____
Mr. Coffey	_____
Mr. Cowley	_____
Mr. Edwards	_____
Mr. Egan	_____
Mr. Harbo	_____
Mr. Keith	_____
Mr. Lester	_____
Mr. Quinn	_____
Mr. Tamm	_____

Chicago Daily Times

69-180-H

7-27-34

134

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Hendon
Mr. Quinn
Mr. Nease
Mr. Gurnea
Mr. Harbo
Mr. Mohr
Mr. Pennington
Mr. Nease
Mr. Gurnea
Mr. Harbo
Mr. Mohr
Mr. Pennington

INDICT BROTHER AIDS OF CAPONE

Nicholas DeGrasso and his brother, Rocco, who once helped Al Capone rule gangland and then all but dropped out of sight with imprisonment of their chieftain, were indicted by the federal grand jury on two charges each of income tax evasion.

Nicholas and Rocco were arrested some months ago in misdemeanor charges alleging they neglected to file tax returns in 1929 and 1930 and were released on \$5,000 bonds. Today's indictments boosted Nicholas' bond by \$5,000 and Rocco's by \$10,000.

Nicholas, who formerly ran a notorious Melrose Park roadhouse and allegedly owned several stills supplying the Capone alcohol syndicate, is charged with failing to pay a \$4,997 tax on a net income of \$52,474 in 1929 and a \$1,407 tax on an income of \$25,365 in 1930.

Rocco, who was Capone's ruthless lieutenant in Oak Park, allegedly owes \$14,610 tax on a 1929 income of \$97,011 and \$5,321 on an income of \$51,447 in 1930.

Assistant District Attorney E. Riley Campbell said that Nicholas now operates a roadhouse, gambling house and bowling alley in Melrose Park.

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*Chicago American
69-180-A 7-27-34*

135

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Glavin
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Tamm

CAPONE

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Tamm

Capone's Brother Seized at Fair

John "Mimi" Capone, brother of Al Capone and Joe Fusco were seized last night in Old Mexico at the World's Fair by Sergts. William Drury and Edward Griffin of the state's attorney's office. They will be questioned about their connections with any concessions at the World's Fair.

Chicago Herald & Examiner
7-26-34

69-180-11

136

Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Lester
Mr. Quinn
Mr. Tamm
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Lester
Mr. Quinn
Mr. Tamm

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**BROTHER OF CAPONE
ARRESTED AT FAIR**

(John (Mimi) Capone, 20, brother of Al Capone, and Joe Fusco, 32, who were arrested early today at the Old Mexico concession of the World's fair, were questioned to determine if they have connections with any concessions at the fair.

Chicago Daily Times
7-26-24

69-180-A

137

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Tamm

QUIZ CAPONE KIN, AID

John ("Mimi") Capone, brother of Alphonse ("Scarface") Capone, and Joe Fusco, who were arrested early today at the World's Fair are to be questioned during the day to see if they have any connections with concessions at the fair.

Both were picked up in the fair by Sergts. William Drury and Edward Griffin of the state's attorney's office. They were held at the detective bureau.

"Mimi" gave his age as 30 and said he lived at 7244 Prairie av. Fusco is 32 and lives at 7342 Prairie av. Neither have police records, but have been seized by the police before for questioning.

Chicago American
7-16-34

67-180-A

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Mr. Nathan.....
 Mr. Tolson.....
 Mr. Clegg.....
 Mr. Cowley.....
 Mr. Edwards.....
 Mr. Egan.....
 Mr. Quinn.....
 Mr. Lester.....
 Chief Clerk.....
 Mr. Tamm.....

CAPONE

CAPONE REFUSED WRIT FOR RELEASE

World-Telegram
**Gangster Loses Habeas Plea
 In Federal Court.**

By the United Press.

5-31-34
NEW ORLEANS, May 29.—The United States Circuit Court of Appeals in a decision today denied Al Capone a writ of habeas corpus which would have freed him from Atlanta Federal Penitentiary where he is serving ten years for income tax evasion.

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129

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Quinn
Mr. Lester
Chief Clerk
Tamm

Capone Plea Denied

NEW ORLEANS—The U. S. District Court of Appeals in a decision today denied Alphonse Capone, Chicago gangster, a writ of habeas corpus which would have freed him from Atlanta Federal penitentiary, where he is serving 10 years for income tax evasion.

MAILED - MAY 29 1934

WASH NEWS

MAY 29 1934

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64-138
W.H.H.

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Lester
Chief Clerk
Mr. Tamm

CAPONE DENIED FREEDOM

NEW ORLEANS, May 29 (I.N.S.).—For a second time Al Capone lost his bid for freedom from a ten-year income tax evasion sentence at the hands of the United States District Court of Appeals today, which spurned his appeal for release from the Atlanta Penitentiary on an habeas corpus writ.

WASH. TIMES

MAY 29 1934

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MR. NATHAN
MR. TOLSON
MR. CLEGG
MR. COWLEY
MR. EDWARDS
MR. EGAN
MR. QUINN
MR. LESTER
CHIEF CLERK
MR. RORER

MR. NATHAN
MR. TOLSON
MR. CLEGG
MR. COWLEY
MR. EDWARDS
MR. EGAN
MR. QUINN
MR. LESTER
CHIEF CLERK
MR. RORER

HYMIE LEVIN

in the capacity and communi-
cations with the Red Army. The reorganiza-
tion is expected to take place early
in June.

Capone Aide Sent To Leavenworth

CHICAGO, May 14 (AP).—The Government struck down another Capone gangster today when Federal Judge Sullivan imposed 18 months in Leavenworth on Hymie "Loud Mouth" Levin, erstwhile collector for the Capone syndicate. Levin pleaded guilty to violating the income tax law. His gross income was reputed to have exceeded a million dollars from 1926 to 1930, but he never paid a tax.

DIVISION OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

MAY 15 1936

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MR. NATHAN
MR. TOLSON
MR. CLEGG
MR. COWLEY
MR. EDWARDS
MR. EGAN
MR. QUINN
MR. LESTER
MR. CLERK
MR. DORR

"Loud Mouth" Silent As He Gets Prison Term

Chicago, May 14 (AP). — Alvin Karpis, the "loud mouth" of the Capone syndicate, stood silently silent in Federal Court today and heard Judge Philip L. Sullivan sentence him to 15 months in the Leavenworth Penitentiary.

Conviction came on charges of neglecting to pay taxes on part of the million-dollar income he was reputed to have enjoyed during the flush period from 1926 to 1930, when he was collector in chief for the mammoth Capone organization.

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MAY 15 1934

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MR. NATHAN
MR. TOLSON
MR. CLEGG
MR. COWLEY
MR. EDWARDS
MR. EGAN
MR. QUINN
MR. LESTER
CHIEF CLERK
RECORER

Another Capone Gangster Jailed for Tax Evasions

By David Tamm
CHICAGO—The Government today began today in its determined campaign to place the members of Al Capone's inner circle in prison. Al Capone's associate, Edward James "Sonny" Levine, was sentenced to 18 months in the Federal penitentiary for income tax evasion. Sentencing of Levine, a member of Capone's "inner circle" during the gang leader's hey-day, pleaded guilty before Federal Judge Philip Sullivan to evading payment of \$3500 income tax in 1929 and 1930.

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WASH. NEWS MAY 14 1934

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MR. NATHAN.....
 MR. TOLSON.....
 MR. CLEGG.....
 MR. COWLEY.....
 MR. EDWARDS.....
 MR. EGAN.....
 MR. QUINN.....
 MR. LESTER.....
 CHIEF CLERK.....
 MR. RORER.....

MR. NATHAN.....
 MR. TOLSON.....
 MR. CLEGG.....
 MR. EDWARDS.....
 MR. EGAN.....
 MR. QUINN.....
 MR. LESTER.....
 CHIEF CLERK.....
 MR. RORER.....

GANGSTER SENTENCED

Capone Collector Gets 18 Months
 in Income Tax Case

CHICAGO, May 14 (AP).—The Government struck down another Capone gangster today. Federal Judge Philip J. Sullivan imposed 18 months in Leavenworth on Hyman "Loud Mouth" Levin, erstwhile collector for the Capone syndicate.

Levin pleaded guilty to violating the income tax law for 1929 and 1930. His gross income was reputed to have exceeded a million dollars in the period from 1926 to 1930. The Government prosecutor, E. Riley Campbell, said that most of Levin's money spilled from his hands as fast as it flowed in, and that for the two years covered in the indictment Levin owed only \$4,000 or \$5,000 in taxes. He never scheduled an income or paid a tax.

GANGSTERS

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 69-150-A
 MAY 14 1934

WASH. STAR

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MR. NATHAN
MR. TOLSON
MR. CLEGG
MR. COWLEY
MR. EDWARDS
MR. EGAN
MR. QUINN
MR. LESTER
CHIEF CLERK
MR. ROBER

MR. NATHAN
MR. TOLSON
MR. CLEGG
MR. COWLEY
MR. EDWARDS
MR. EGAN
MR. QUINN
MR. LESTER
CHIEF CLERK
MR. ROBER

GANGSTERS

CAPONE AS COBBLER STARTS THIRD YEAR

Will Be Eligible for Atlanta
Parole in 2½ Years

ATLANTA, May 5 (AP).—Al Capone, former Chicago gang lord, today began the third year of his ten-year prison sentence in the Federal prison here. He is violating the income tax law.

Warden A. C. Alderholt dismissed questions about the notorious prisoner with the comment that "Capone is still doing his usual job." The one-time gang leader is employed in the prison shoe factory.

Capone completed two years of his sentence yesterday. He will be eligible for parole after serving two years and six months more.

DIVISION OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

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MR. CLEGG
MR. COWLEY
MR. Egan
MR. QUINN
MR. LESTER
CHIEF CLERK
MR. RORER

CAPONE TRIES AGAIN FOR FREEDOM WRIT

Third Fight for Liberty Begun
by Chicago Gangster

NEW ORLEANS, April 28.—

Attorney for Alphonse Capone today argued in the United States Circuit Court of Appeals to renew the fight for the Chicago gangster for freedom from the eleven-year sentence he is now serving in Atlanta Federal Penitentiary for income tax evasion.

Frank J. Wedemeyer, assistant Attorney General, representing the Government in opposition to Capone's latest motion, argued from the Federal Court of Northern Georgia that Capone's application for writ of habeas corpus was frivolous.

The present proceeding involves Capone's claim that his conviction at Chicago was illegal under the statute of limitations. He has lost two similar actions.

DIVISION OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
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MR. NATHAN
MR. TOLSON
MR. CLEGG
MR. EDWARDS
MR. EGAN
MR. QUINN
MR. LESTER
CHIEF
MR. BURNHAM

Capone's Appeal In Court April 25

April 25 has been set as the date for hearing habeas corpus proceedings brought by Al Capone before the United States Circuit Court of Appeals at New Orleans. The Department of Justice announced yesterday. Last December Capone applied to the North District Court in Georgia for a habeas corpus writ, but the request was denied.

WASH. HERALD

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MR. TOLSON
MR. CLEGG
MR. COWLEY
MR. Egan
MR. LADD
MR. LEECH
MR. ROSEN
MR. TRACY

AL CAPONE TO BID ONCE MORE FOR FREEDOM

Washington, April 20. (AP)—Al Capone is going to make a bid for freedom April 23 in the United States circuit court of appeals in New Orleans.

It was disclosed at the Department of Justice today that Frank J. Wideman, assistant attorney general, would resist the Chicago gangster's latest effort to get out of the Atlanta penitentiary, where he is serving an eleven-year sentence for income tax evasion.

The proceedings in New Orleans are in the nature of an appeal from a decision of the United States district court of northern Georgia which dismissed an application for a writ of habeas corpus for Capone December 9.

Capone's contention at that time was that the indictment on which he was convicted was brought after the expiration of the three-year statute of limitations.

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CAPONE TO TRY AGAIN TO WIN HIS FREEDOM

Gangster to Present Plea to Circuit Court of Appeals at New Orleans.

By the Associated Press.

Al Capone is going to make a bid for freedom April 24 in the United States Circuit Court of Appeals at New Orleans.

It was disclosed at the Department of Justice today that Frank J. Wideman, Assistant Attorney General, would resist the Chicago gangster's latest effort to get out of the Atlanta Penitentiary, where he is serving an 11-year sentence for income tax evasion.

The proceedings in New Orleans are in the nature of an appeal from a decision of the United States District Court of Northern Georgia, which dismissed an application for a writ of habeas corpus for Capone on December 9, 1933.

Capone's contention at that time was that the indictment on which he was convicted was brought after the expiration of the three-year statute of limitations.

MR. TOLSON
MR. CLEGG
MR. ELLY
MR. EDWARDS
MR. Egan
MR. QUINN
MR. LAMER
CHIEF CLERK
MR. ROSEN

WASH. STAR APR 20 1934

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Back to Capone?

SOME extraordinarily bad liquor is being sold across many Chicago bars.

And if something is not done about it—and that very speedily—a great many tavern keepers will be back in the terror-grip of the murdering syndicates which seem to have risen, phoenix-like, on the ashes of the old Capone mob.

The local alcohol tax unit every now and again flushes rabbits out of cover—usually in the form of shabby fellows talking broken English, if able to talk English at all. They are caught running a medium-sized still, they keep their mouths closed tight—and they go to jail.

This is as it was in the alky-cooking days of the Aiellos who daily gathered and distributed thousands of gallons of low-grade alcohol for prohibition-era consumption. This same poison is in competition today with approved, taxed liquor, is apparently handled by an organization and is, of course, underselling legitimate liquor.

Suppose you hunt foxes instead of rabbits, Mr. Yellowley. The scent should not be hard to pick up.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schell
Mr. Tamm
Mr. Tracy
Miss Gandy
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Inside Story of Al Capone's Model Prison Life

Shoes, Beans, Only Eight Years to Go

It is the firm of two articles including the prison life of Al Capone, Chicago's biggest public enemy No. 1, and the right to be waiting for freedom from his ten-year sentence for income tax evasion. The prison article will follow tomorrow.

By HENRIET B. KILPAT, International News Service Staff Correspondent.

ATLANTA, April 12.—A bathing robe in cheap baggy cotton clothing, sweat-soaked, sits humbly over a shining electric ceiling lamp.

Across the back of the faded blue-gray flannel shirt the numerals 40,886 are sharply etched in black. A liver more crimson the cheek of a fund that resembles you of Vietnam.

Hands alone are in a life of luxurious ease. Drunken in its splendor, the fabulous profits of the era of bootlegging, beer and racketeering, are now calmed and grained, softly lit a heavy strip of pale leather as a bulky, shapely shoe appears.

It's a shoe designed for utility and hard knocks, identical with the pair he wears. Once those feet flashed in quick stride across polished night club floors in custom English boots that cost \$40. He had dozens.

Shoes and Shoes— an Endless Stream.

The machine thumps and pounds. The heavy needle bites into the coarse leather. He snips away the loose ends of waxed cord and passes the shoe on to another dented figure, then picks up another shoe upper and sole block. Then another. And another. Endlessly.

Eight hours a day. Forty-four hours a week. Two thousand, two hundred eighty-four hours a year. Twenty-two thousand eight hundred and eighty hours in a decade.

Two years he has passed like this. The machine clocks:

"Eight more to go . . . eight to go . . . eight to go."

This man with the full, massive lips, the black brows and forehead face that conjures a vision of a once-fabled Italian hitman, looks with rapt attention at the work of the machine. His name two dozen companions at other machines in the vaulted, beamed room are speaking.

Among the curious company of the rioting machine, and the steady shifting of feet, there is no sound but the drumming of an April rain on a windproof roof and the clatter of the machine. Through the barred window, across the muddy exercise yard, beyond the garden of ruin, a grim, gray granite wall, crowned by pillars topped with eagleheads.

40,886 Paying His Debt to Society.

Prisoner No. 40,886 pays his debt to society. Two years ago, on May 4, 1932, Alphonse Capone, dubbed "Scarface" and to certain intimates in the shadowy half world of crime "Snerky," kingpin racketeer, boss of booze and beer, Public Enemy No. 1, entered the Atlanta federal penitentiary to become just another of 3,100 numbers.

A decade of national prohibition that saw him rise to the accompaniment of clattering machine guns and the roar of bursting pipe-

lines, to the death of a century of roughneck's play empire, had given way to a ten-year period in which Uncle Sam deemed he must be sequestered behind prison bars for failure to pay income taxes on his enormous profits from this and other.

Two years of that treacherous time have passed. Another year's term of imprisonment awaits Capone in Chicago's Cook County Jail when he is released from the Atlanta penitentiary.

1937, Capone, from the lower end of the underworld, has become a model of decorum. His prison number, 40,886, is on a sign on his driving cap. His conversing manner is to keep an unblemished smile that may win freedom for him several years earlier than the permitted people.

This is the ward that comes to the outside world of his life behind those grim, gray walls out of the city's outskirts. It comes through discharged prisoners, recently released, and other unofficial but credible sources.

Prison Is Silent on 'Head Convict.'

There is no official word of Capone, or acknowledgment that he is one of the hundreds of criminals now housed in Uncle Sam's "big house." Warden A. C. Adair, one of the most zealous and efficient of prison wardens, leans over backward to submerge the identity of his celebrated prisoner. To him, Capone is just another number, one of more than 3,000 convicted criminals who must explain their crimes under his strict supervision, to be accorded only the recognition that comes from good behavior, hard work and scrupulous observance of the penitentiary rules. He politely refers all inquiries to Captain Bates, superintendent of prisoners at Washington.

Adair, a graduate from the ranks, in his regime at the Atlanta penitentiary has wiped out the stigma of special privilege that several years ago sent one warden from the warden's office to a felon's cell to serve a term in the place he once ruled.

Capone is allowed \$10 a month to place but the simple, rugged prison fare, to purchase newspapers, which he reads voraciously, tobacco and other small luxuries. This to the same allowed other prisoners. Capone's most come from the outside. He receives no compensation for his long hours in the bright shoe shop, for he has no other of penitentiary.

Capone is allowed \$10 a month to place but the simple, rugged prison fare, to purchase newspapers, which he reads voraciously, tobacco and other small luxuries. This to the same allowed other prisoners. Capone's most come from the outside. He receives no compensation for his long hours in the bright shoe shop, for he has no other of penitentiary.

Family and Lawyers Are Only Visitors.

His visitors are limited to members of his family and his attorneys. Once a month his wife, his three-year-old son, John, his aged mother, Theresa, who indicted the long legal battle, a complete failure thus far, to win his freedom; and John, his younger brother, who was never

allowed to Capone's lawyer, and who now manages to keep his wife's name out of the headlines.

They come from Chicago, in Illinois, where Capone has a home, and where he has a law office. He will not be allowed to visit his family in the city of the Federal report. He will not be allowed to visit his family in the city of the Federal report.

There is no Chicago newspaper that is mentioned as a source. A word from the penitentiary and the newspaper would be a scandal. Capone is not a politician. He is a man with a very strong sense of his own dignity.

One of the members of his family, John, is mentioned as a source. William E. Smith and William A. Smith, of Washington, and Frank A. Smith, of Atlanta, who are mentioned, but only when necessary, to connect with him as a source of his legal fight.

He may write only two letters a week. These invariably go to his family. They are examined by the penitentiary authorities.

His complete a steel lattice-barred cell with two other prisoners. He sleeps in his room, wearing a striped shirt and slacks of dark blue cotton. Once a week he is given a shower with hot water of other prisoners in a communal bathroom, and change of clean clothing—denim trousers, baggy of knees and most, denim shirt with the numbered sleeve, white cotton socks and underwear.

In the history of the Chicago career Capone, one of the earliest of gangland's leaders, more 3200 followers, custom shirt that ran around \$25 each, 940 hats, socks that cost \$10 a pair, his neckties and diamond-studded gold ball tie.

The factory work is set to four hours on Saturday, and Sunday is a rest day. Capone, who remains alert and detached from his fellow prisoners, spends his brief respite hours playing tennis, reading newspapers and books from the prison library, and listening to the radio to his cell. Each of the cells is provided with a radio.

Handwritten notes and signatures, including "4-12-34" and "NOT RECORDED 69-180".

APR 12 1934

THE WASHINGTON TIMES

CAPONE IS PRISON'S MODEL CONVICT

Works Industriosly In Penitentiary's Shoe Shop

This is the first of two articles describing the prison life of Alphonse Capone, and the fight he is waging for freedom from his 10-year sentence for income tax evasion.

By ROBERT G. NIXON

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ATLANTA, Ga., April 18 (I.N.S.)

A hulking figure in cheap, baggy cotton clothing, swart-kinned, sits hunched over a whirling electric stitching machine.

Across the back of his faded blue-gray denim shirt the numerals "40,886" are sharply etched in black. A livid scar creases the cheek of a face that reminds you of Caruso.

Hands Calloused

Hands once soft from a life of luxurious ease, oriental in its splendor as the fabulous profits of the era of bootleg booze, beer and rackets rolled in, now calloused, deftly fit a heavy strip of sole leather on a bulky, shapeless shoe upper.

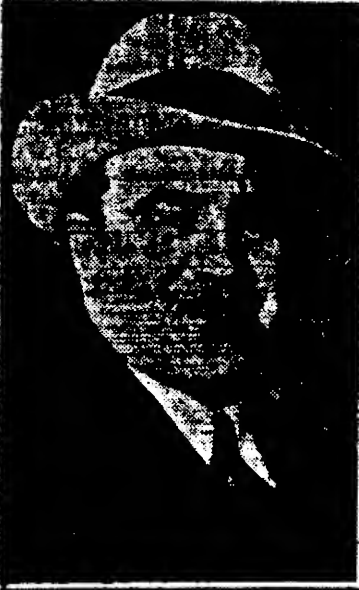
It's a shoe designed for utility and hard knocks, identical with the pair he wears. Once those feet flashed across polished night club floors in custom English boots that cost \$40. He had dozens.

One machine thumps and pounds.

Eight hours a day. Forty-four hours a week. Two thousand, two hundred eighty-four hours a year. Twenty-two thousand eight hundred and eighty hours in a decade.

Two years have passed like this. Above the raucous jittering machines, and the subdued shuffling of feet, there is no sound but the drumming of an April rain on a windswept red clay compound outside.

Prisoner No. 40,886 pays his debt



AL CAPONE

to society. Two years ago on May 4, 1932, Alphonse Capone, dubbed "Scarface," and to certain intimates in the shadowy half world of crime, "Snorky" kingpin racketeer, boss of booze and beer, public enemy No. 1, entered the Atlanta Federal penitentiary to be

Special Privileges Denied Dean of Racketeers

come just another of 2,100 numbers.

A decade of national prohibition that saw him rise to the rank of overlord of gangland's alky empire had given way to a 10-year period in which Uncle Sam decreed he must be behind prison bars for failing to pay income taxes on his enormous profits from vice and crime.

Two years of that 10-year sentence have passed. Another year's term of imprisonment awaits Capone in Chicago's Cook county jail when he is released from the Atlanta penitentiary.

Model of Decorum

Today Capone, from the terror of the underworld, has become a model of decorum. His prison record is clean. His consuming ambition is to keep an unblemished slate that may win freedom for him several years sooner than the prescribed decade.

This is the word that comes to the outside world of his life behind those gray walls out at the city's outskirts.

*Indiscreet
for parole*

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MR. NATHAN
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 MR. CLEGG
 MR. CONLEY
 MR. EDWARDS
 MR. EGAN
 MR. QUINN
 MR. LESTER
 MR. LOCKE
 MR. RORER

"Santa Claus" Capone.

A prisoner just released from the Federal Penitentiary told the Atlanta Journal that Al Capone, once our best known gangster, is a "nice man" who figuratively put on whiskers Christmas Day and distributed boxes filled with candy, cake and tobacco to his fellow prisoners.

Before we Americans, notoriously sentimental in such matters, begin signing petitions seeking pardon for genial Al, another picture may be recalled. A district attorney in Chicago is digging into the truth of racketeering, in a trial now under way. Testimony shows that Capone stepped into the cleaning and dyeing business, served notice that he was taking over its "protection" and made himself master. He didn't do it by giving proprietors of cleaning establishments boxes filled with cakes and candies. He offered them their choice: Either they could give in and split profits with him, "or else." People who defied Capone came to find out that his "else" was likely to be delivered from a gun barrel or in a "pineapple" that would blow up a store and anybody who happened to be around when the pineapple was delivered.

It is not unlikely that the Christmas boxes for the Atlanta prisoners were bought with money extorted from Chicago pressers and those whose pants they pressed.

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MR. NATHAN
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MR. COWLEY
MR. EDWARDS
MR. SCAP
MR. QUINN
MR. LESTER
MR. LOCKE
MR. PORER

Rackets Called Original NRA At Trial of 18

Defense in Chicago Denies Control of Business Was Vicious.

Chicago, Jan. 23 (AP).—Eighteen defendants in Chicago's racketeering conspiracy trial heard themselves alternately described today as blackguards and thieves, and as progressive, sagacious business leaders who really thought up the NRA.

The contracts with which they attempted to regulate the dry cleaning, laundry, carbonated beverages and other industries, said Defense Counsel Floyd Thompson, were much like the codes of fair competition under the National recovery act.

But to Special Prosecutor Edwin J. Raber the same contracts, as well as the unions and associations which the defendants controlled, were just devices to gain control of profitable businesses and "bleed them white" with dues and fees.

Attorneys for both sides spent the day with opening statements to the jury, one of the defendants, Aaron Sapiro, attorney, of New York, making his own.

Pictures Violence

Raber related a graphic picture of bombings, sluggings, threats and greedy mulcting of the racket-ridden industries. He mentioned Al Capone and Murray Humphreys, defendants, but not present—Capone because of prison bars and Humphreys because of fear of income tax prosecution. He disclosed the State would try to prove Al Capone and Aldermen Oscar Nelson were associates.

Edward J. Brundage, attorney, listed as a State witness, was found shot to death Saturday, supposedly a suicide.

In brief, Raber charged gangsters and big business men cooperated in attempting to control the industries. The gangsters wanted work for their hoodlums, he said, and profits for themselves. The business men supposedly wanted to remove competition.

Compared to NRA

Thompson said there may have been racketeering in the industries, but that the defendants put forth their best efforts to end it.

"The agreements entered into between the unions and members of the associations were forerunners of the type of agreement that we now call the NRA," he said.

The first of 300 State witnesses may be called tomorrow. The defendants, in addition to Sapiro and Nelson, include Federal Labor Mediator Benjamin Squires, Attorney Morris Kaplan, of Chicago, and officials of various unions and trade associations.

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69-180-A

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MR. CLEGG
MR. COWLEY
MR. EDWARDS
MR. EGAN
MR. QUINN
MR. LESTER
MR. LOCKE
MR. ROBER

**Eighteen Defendants Rang
From Al Capone to Prom-
inent Citizens.**

To state's attorney Thomas J. Conway, Cook County's most youthful prosecutor, the trial of the 12 defendants meant the culmination of his first effort to rid Chicago of the labor racketeer.

Inducted to office a little more than a year ago on a platform of beating gangsters and racketeers, Conway launched an investigation of the labor legitimate business men paid to the underworld and said it ran into millions annually.

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Will Irwin Tells How Bootleggers Plan to Carry on in Spite of Repeal

It Means Only Continuing in Same or Similar Illicit Business, He Finds

By WILL IRWIN,

Chief Magazine and Newspaper Editor, The Associated Press and Fiction Writer

NATIONAL prohibition is finished; but we are not yet finished with its results. In fact, bootlegging is still a widespread activity with which our contemporaries will have to deal for the rest of this generation—the gamblers and the gangster. With their old business crippled or ruined, these malignant parasites are already looking for new and profitable fields to exercise their peculiar talents.

We shall never be rid of this element until the last of them takes a current of electricity along his spine or dies a sudden death in some cheap lodging-house. But we can—if we are wise—handle them in such manner that they will no longer form a major menace to our society.

After it really found itself the illegal liquor business drove into its scope all sorts of men; the best of them being in the middle ranks of the trade. The average retail bootlegger, in most parts of the country, differed but little from the average liquor dealer of the period before prohibition. Typically, he kept all his own stock, and he kept all his own customers. He was a man of the street, and he was a man of the street. He was a man of the street, and he was a man of the street. He was a man of the street, and he was a man of the street.

The average speakeasy proprietor had about the same social rating. Probably he compared rather favorably with the old-time saloon-keeper. The best of these men conducted in our cities high-class restaurants which afforded good cooking and the wine that goes with it. The worst, it is true, ran "joints" whose patrons were criminals. But just such places existed under honest license in 1918.

Real Rum-Runner Seldom a Killer

The picturesque rum-runner was usually a hard-boiled, adventurous boy, willing to include the possibility of jail among his adventures, seldom a killer. "The worst character in the liquor business flourished at the bottom and the top of the heap. As soon as it became apparent that most Americans were not going to obey the prohibition law the business faced a special quandary. It dealt with millions in actual property but that property had no legal standing. The hijacker, appearing soon after 1918, served notice that it needed a protection which the regularly constituted police could not and would not give.

The illicit business proceeded at once to enlist a praetorian guard. It found its human material for this purpose in the gangs of men and young boys which infested the poorer and more crowded quarters of our great cities. The typical gangs of this sort, in the old days of legal liquor, expressed only the general phase of toughness through which slum-boys usually pass in the process of solving their wild cat.

Most of their members settled down in their early twenties to a steady job, married, became respectable citizens. True, a minority of their worst characters, working under the gang organization until they played out their string, went on into the criminal class, became protectors for gambling houses, dealers in women, or pimps.

Gangs are no new thing in American city life. But quantity production of gangsters, that came only after the illegal liquor business found need for protection.

The distillers, importers and holders of illicit alcohol constituted

financing and higher control of bootlegging. Very likely this revelation will show up as foolish guessing most that has been written on the subject. Especially at first, citizens who were a front of respectability and in so this game regularly or irregularly.

In the days of his supremacy Al Capone used to hold court every week, delivering judgments with the penalty of death attached. And a reliable friend of mine quotes a former lieutenant of Capone as saying, in an unguarded moment: "You'd have been surprised at the people I used to see there!"

But an unusual from below began to push out the respectable or pseudo-respectable at the top. Among the gunmen themselves arose leaders in whom the spark of originality lit the fire of enterprise. They began to "muscle in" to unseasoned territory. They shot their way to the top.

And both parties to such a struggle believed in their inherent right—the one to freedom of commerce, the other to protection of its vested interests—as ardently as the contending parties in a war.

"Listen," a gangster remarked to me. "No guy ever got out on the spot by our outfit unless it was coming to him. He deserved it—see!" To tell the story of what followed would be to repeat history which every American child knows better than the story of Columbus.

'Big Shot' Idol Of City Youth

During the last two years of prohibition the gang killings decreased in number. That was partly due to the hard times. Fighting for control of a shrinking business was no longer worth the risk and trouble. Also, in some cities a well-greased police force found that supporting the monopoly of one established gang returned steadier dividends.

In the meantime the supply of potential gangsters began to exceed the demand. Boys coming to maturity in the crowded city quarters had seen the glory of the Big Shot—his twenty-thousand-dollar car, his crowning authority. Why, then, should he adopt the same values and burned to imitate him. And as the supply increased the able and original among these parasites looked about for new fields.

So, borrowing methods from the Chinese highlanders, the underworld began to prey on legitimate, legal business—"the racket." By 1927 rackets—



PUBLIC ENEMY—A classmate of Alphonse Capone, Chicago gang leader, to whom Mr. Irwin alludes in his accompanying article.

ingenious systems of regular and permanent extortion—were seeking at least two hundred million dollars a year from Chicago alone and probably even more from New York. All this time failures in the game were floating over into the more conventional crimes like plain stick-ups.

And the more hardened and more stupid took to the shocking crimes of kidnaping.

The murder of Colonel Lindbergh's baby son bears the same relation to prohibition repeal and to our belated move against commercial racketeering that the murder of the Austrian Crown Prince bears to the Great War. It roused Americans to action.

Led by the Federal Government, we moved to annihilate the gangster, first, by drastic laws and prompt actions, we virtually eliminated kidnaping as a danger to society.

Last November two Chicago gunmen, who planned to hold up a series of stores, needed an automobile. They found one parked in a secluded spot with a man and a woman in the front seat. Pulling the door open, they drew their guns. "This is a stickup. We want your car. Get out!" they said.

The man kept trying to say something; but every time he opened his mouth a gunman shoved a muzzle into his abdomen and commanded, "Shut up!" The robbers had driven a few blocks when a sound from the back seat caused the man at the wheel to stop so suddenly that he strained the brakes.

It was the squeal of a baby! The baby's nurse—dumb with fear—heard one of her captors say: "My God, we'll be put for kidnaping!" They threw out these dangerous passengers and, very much relieved, went on to a job which might at any moment involve murder. This small episode symbolizes

the move which an aroused society can throw into the underworld. There may be other kidnaping cases; but it is obvious that the criminals—like the two wretches lynched in San Jose, California—will be somewhere, not members of the organized underworld.

Also, the Federal Government is feeding a charge against racketeering on business. That is slower work than sealing the kidnaping. Moreover, the movement lacks a focus of popular indignation.

Yet until times improve enough to make racketeering worth while shall we know if the parasites of this class are on their way out.

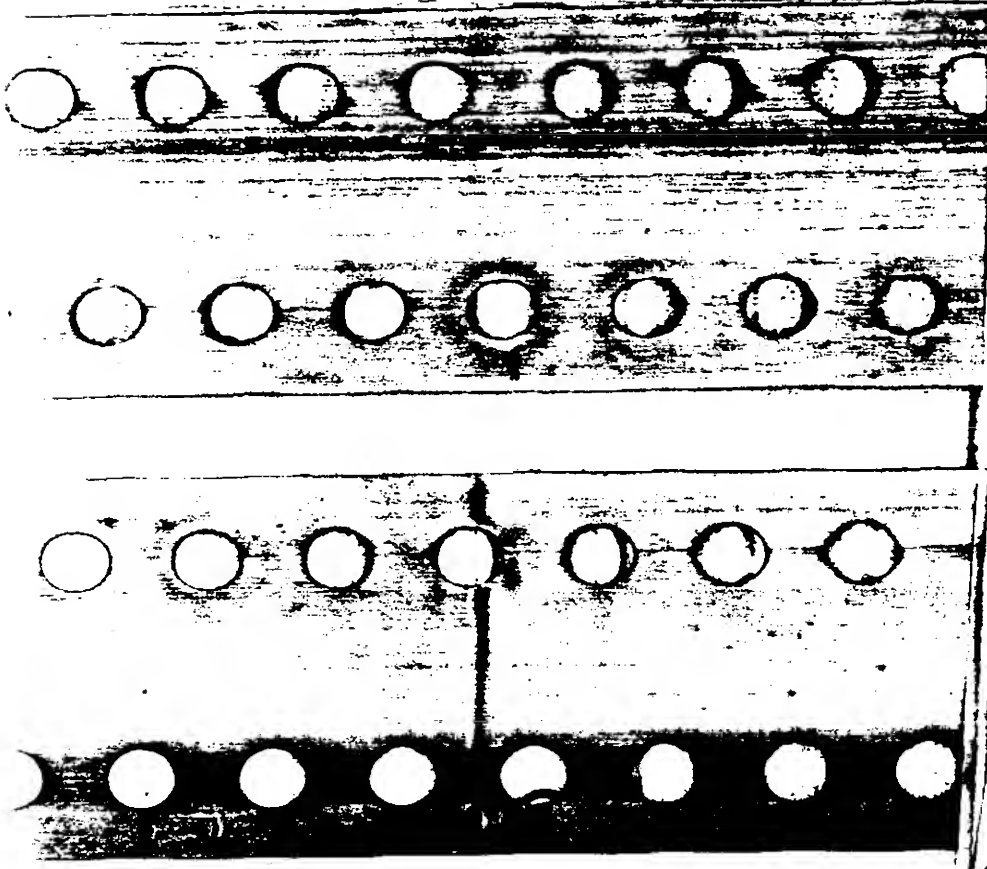
But with prohibition gone, with kidnaping rendered a supremely dangerous occupation and with the future of racketeering on business, it would seem that the hard-boiled boys might have to go to work. Of course, they will not do that. They have the habit of easy money. And among their leaders there are able if cat-like politicians. They will float on the other games some old, some new, to be invented.

Even if the Federal Government gets reasonably efficient co-operation from local authorities it will take at least a decade to suppress them. We can only force them to smaller and smaller games until the last of them perishes in prison or sinks to his natural state of a small parasite.

One question bothers me not least when we revealed the Lindbergh case, and that was the gangster problem.

This is the first of a series of articles by Mr. Irwin on gangsters and racketeering. The next will cover in a fairly loose, probably next Sunday.

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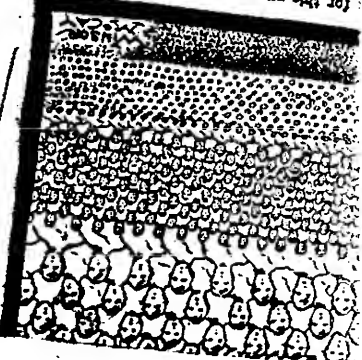


...the ... and
... alcohol recruited
... tough boys who knew
... how to keep their mouths
... shut.

Liquor Traffic Built Up Gangs

When they entered the busi-
ness few of these were real
criminals. When they had been
in it six months most of them
it was not blood but their
hands were all least accustomed
to the life.
By themselves they were
not destined to become condi-
tioned to become factory work-
ers, plumbers, paper hangers or
any other life.
The wages of their sin was
often sudden death. But while
they lived they enjoyed a bliss-
ful life. The criminal class
never knew before—high, regu-
lar and fairly secure salaries.
At the height of our boom a
good gunman employed to guard
an underworld character and to
do a little job of killing now
and then could demand from
\$12,000 to \$15,000 a year. All
he had was the will to shoot
and the gang-code of silence.
Others furnished the brains.
This, morally if not finan-
cially, was the lowest layer of
the illicit liquor business. The
upper layer is another and more
elaborate story.
When the statute of limita-
tions expires someone may come
forward and throw light on the
... and

Sunday Dec. 31



WASHINGTON D. C. TIMES December 23, 1933.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Coffey
Mr. Hendon
Mr. Jones
Mr. Quinn
Mr. Nease
Mr. Gurnea
Mr. Harbo
Mr. Mohr
Mr. Pennington
Mr. Nease
Mr. Gurnea
Mr. Harbo
Mr. Mohr
Mr. Pennington

CAPONE, MODEL PRISONER, TO STAY IN ATLANTA
ATLANTA, Ga., Dec. 23 (I.N.S.).—Al Capone will serve out his 10-year sentence in the Atlanta penitentiary, instead of being transferred to Alcatraz, America's new "Devil's Island," according to Department of Justice officials in Washington. The former public enemy No. 1 is considered a model prisoner, and bleak Alcatraz Island, in San Francisco Bay, is for men like "Machine Gun" Kelly—gangster of the desperate type.

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Chicago Herald Examiner
Chicago, Ill.
Dec. 17, 1933

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Edwards.....
Mr. Egan.....
Mr. Hughes.....
Mr. Quinn.....
Mr. Lester.....
Mr. Locke.....

AL CAPONE MAY APPEAL

ATLANTA, Ga., Dec. 18.—Attorneys for Al Capone, imprisoned Chicago gang chief, today were granted the right to appeal to the Circuit Court of Appeals at New Orleans the record of Federal Judge Underwood here, who denied Capone's plea for freedom on a writ of habeas corpus.

A year ago, Capone first sought his freedom on a writ, but this was denied by Judge Underwood. Then six weeks ago his attorneys renewed their plea, adding to their original record a portion of the testimony at Capone's income tax trial in Chicago. This likewise was denied, but the federal court today granted the gangster the right to appeal.

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DIVISION OF INVESTIGATION	
DEC 18 1933	
U. S. DEPARTMENT OF JUSTICE ST. LOUIS, MO.	
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Newspaper clipping.
The Urbana Daily Courier.
Urbana, Ill.

December 25, 1935.

(Submitted by St. Louis Div. Office)

ATTORNEYS FOR AL CAPONE APPEAL TO FEDERAL COURT ON DENIAL OF HABEAS CORPUS WRIT

Atlanta, Ga., Dec. 15. (UP)—Attorneys for Al Capone, former Chicago gang chieftain, today appealed in federal court the decision denying a writ of habeas corpus. Capone is serving a sentence in the federal penitentiary here on charges of evading of income taxes.

Judge E. Marvin Underwood allowed the appeal to the fifth federal circuit court at New Orleans. Frank A. Doughman, Atlanta attor-

ney for Capone, filed the appeal. He said attorneys for Capone are ready to present their case any time. A hearing may be given early in January.

Judge Underwood recently denied Capone's attorneys the writ of habeas corpus. This was the gang chieftain's second attempt to gain his freedom on grounds the statute of limitations excluded his prosecution of the tax evasion charges.

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Edwards.....
Mr. Egan.....
Mr. Hughes.....
Mr. Quinn.....
Mr. Lester.....
Mr. Locke.....

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Capone Denied Writ, Plans Appeal to Higher Courts

plea for the second time after his Atlanta, Dec. 2 (AP). Alphonse Capone, former Chicago gang chief, today lost his second attempt to gain his freedom on a habeas corpus writ from the Atlanta Penitentiary, where he is serving ten years for failure to file income tax returns.

Judge H. Marvin Underwood in Federal Court denied Capone's attorneys claimed the statute of limitations had run when Capone was indicted.

Judge Underwood previously had

denied a writ brought on the same grounds and was upheld by the Circuit Court of Appeals in New Orleans. Capone's attorney filed a new petition incorporating the exact language of the Chicago trial court to show defense attorneys then had asked acquittal because of the statute of limitations, but were denied by the court.

In the first hearing Judge Underwood had ruled the motion to dismiss had not been brought at the proper time.

Frank A. Doughman, Capone attorney, said the case would be taken to either the Court of Appeals or the United States Supreme Court immediately.

Mr. Nathan.....
Mr. Tolson.....
Mr. Clegg.....
Mr. Edwards.....
Mr. Egan.....
Mr. Fox.....
Mr. Glavin.....
Mr. Ladd.....
Mr. Nichols.....
Mr. Rosen.....
Mr. Tracy.....
Mr. Carson.....
Mr. Coffey.....
Mr. Hendon.....
Mr. Jones.....
Mr. Quinn.....
Mr. Nease.....
Mr. Gurnea.....
Mr. Harbo.....
Mr. Mohr.....
Mr. Pennington.....
Mr. Nease.....
Mr. Gurnea.....
Mr. Harbo.....
Mr. Mohr.....
Mr. Pennington.....

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- Mr. Nathan.....
- Mr. Tolson.....
- Mr. Clegg.....
- Mr. Edwards.....
- Mr. Egan.....
- Mr. Foxworth.....
- Mr. Glavin.....
- Mr. Ladd.....
- Mr. Locke.....

CAPE'S FREEDOM FAVORABLE

APPEAL IN FEDERAL DISTRICT COURT
FOR HIS FREEDOM FROM THE ATLANTA PENITENTIARY

By the Associated Press.
ATLANTA, Ga., December 9. (AP)—Federal Judge E. Martin Underwood today denied Clarence Al. Capone's second plea for his freedom from the Atlanta Federal Penitentiary on a writ of habeas corpus based on the statute of limitations.

Attorneys for the former Chicago gang boss, who is serving a 10-year sentence for evading income tax payments in 1924, 1925 and 1926, said an appeal would be taken to either the Circuit Court of Appeals or to the United States Supreme Court.

Capone entered the Atlanta Penitentiary in May, 1932, and a year ago made his first attempt to gain his freedom on the ground the Federal statute of limitations had run at the time of his indictment.

Judge Underwood in Federal District Court denied the plea for a writ of habeas corpus and gave as his reason the fact that a habeas corpus proceeding was not the proper contention for freedom under the limitation statute.

Appeal Plea Is Lost

Capone's attorneys appealed to the Circuit Court of Appeals at New Orleans, which upheld Judge Underwood's decision.

In the plea which Judge Underwood denied today, Capone's attorneys brought no new evidence into the case, but introduced a portion of the exact language of the Chicago trial court to show that defense attorneys had at that time asked acquittal because of the statute of limitations.

Little has been heard directly of the former Chicago public enemy No. 1 since his incarceration in the penitentiary here. Capone announced his intention of becoming a "model prisoner" in order to get off all possible time for good behavior.

Beyond two brief trips from the prison to Federal Court when attorneys argued his appeals for freedom, nothing but rumor has come from Capone.

Prisoners Are Numerous

Prisoners had the "public enemy" gang members aspiring to make the prison home hell-gram and other tales related. Prisoners also said Capone was in the prison jailer who had been in the prison there. There is a large number of prisoners in the Atlanta Penitentiary.

Capone's attorneys are expected to appeal to the Circuit Court of Appeals at New Orleans, which upheld Judge Underwood's decision. The United States Supreme Court is also expected to hear the case.

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Capone's Beer Hustlers Get "Break" in Repeal

They pleaded guilty before Federal Judge James H. Wilkerson and were let off with \$25 fines, in contrast to the long sentences they might have expected a few years ago. Among them was Bert De-laney, Capone's chief brewer of illicit beer.

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Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Jones
Mr. Quinn
Mr. Nease
Mr. Lester
Mr. Gandy

CAPONE TRIAL HERE UNLIKELY

Changes appeared small yesterday that the federal government would permit the return of Al Capone from Atlanta penitentiary to stand trial in state court here on a conspiracy charge.

District Attorney Dwight H. Green has been studying the indictment returned in the Cook County Criminal Court against Capone and others, and comparing it with the state laws.

Today he will make his recommendation to Attorney General Homer S. Cummings, concerning the return of Capone.

Green refused to reveal the nature of the recommendation, but it was said that the indictment was not regarded as setting forth Capone's terms of residence, in relation to the time of the alleged crimes, clearly enough.

Chicago Herald & Examiner

9-12-33

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Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Edwards
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Miss Gandy

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CAPONE FIGHTS CHICAGO TRIAL

Al Capone, Chicago's public enemy No. 1, now serving a term in Atlanta prison for violating income tax laws, yesterday made his first move to prevent his return to Cook County for trial on an indictment charging conspiracy in connection with the cleaning and dyeing war.

Through his attorney, William Parrillo, Capone filed a sixteen-page copy of objections to his return to stand trial, protesting that he was not in the city at the time of the alleged conspiracy.

The objections will be forwarded to the United States Attorney General, who will decide whether or not Capone must return to Chicago.

Chicago Herald & Examiner
9-6-33.

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McGURN GRANTED COURT DELAY IN VAGRANCY CASE

Lawyer Attacks Law Invoked by Police.

(Picture on back page.)

The Felony court was crowded yesterday with people seeking a glimpse of Machine Gun Jack McGurn, who was the first to be arrested under the new vagrancy law which makes a man's reputation a factor in determining his guilt.

McGurn, whose name originally was Vincent Gebhardt, was dressed to perfection as the new rich of the underworld regard perfection. He kept his head down as he went before Judge Thomas A. Green after two days in a detective bureau cell. Up stepped Attorney Benjamin Feldman, pleading for a delay.

"This is a brand new law," Attorney Feldman said. "I must have time to determine the legality of such a legislative act which allows men like my client to be arrested while playing golf."

McGurn was entered in the western open tournament at Olympia Fields and was shooting under par golf when police seized him.

"No Test Case," Says Judge.

"This is no test case," Judge Green replied. "Yesterday three men were sentenced to serve six months in the Bridewell on the same charge. In the old days a vagrant meant some one going about in overalls with nails for buttons—an ordinary hobo."

"Under this new law a man may be as well dressed as your client and still be a vagrant or vagabond. The burden of proof now lies with you, Mr. Feldman. Your client was arrested because he has a reputation for being engaged in criminal practices against the good of society. You must bring in your witnesses to prove this is not so if you wish an acquittal. The law is not like it used to be."

The attorney said he would like to argue some legal motions before the start of the trial. Judge Green then set Sept. 6 as the date of hearing and refused to reduce McGurn's \$10,000 bail.

Promises More Warrants Soon.

The new law, which declares a person "reputed to be a criminal" to be a vagabond and subject to six months' sentence, is to produce another batch of warrants tomorrow or the next day, Chief of Detectives Schoemaker said yesterday. Last week he furnished 25 names of public ene-

mies to Judge Green, including that of McGurn, and the judge issued warrants for the arrest of all of them. A second list is being prepared. In all, Schoemaker will list more than 200 persons of criminal reputation.

Schoemaker yesterday had in custody Walter Guida, one of the 25, and James Belcastro, a cousin of the "king of bombers" of the same name, who is also one of those on the public enemy list. James Adducci, west side vice monger, gangster, and petty politician, was seized and held, but so far, Chief Schoemaker said, Adducci's name has not been put on a vagabond list. All three of these hoodlums were viewed by victims of robbers in the police showup last night, but they were not identified in connection with any crimes.

Mr. Clegg	.....
Mr. Edwards
Mr. Egan
Mr. Hurst
Mr. Nathan
Mr. Tolson

Chicago Daily Tribune

4-30-33.

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HOODLUM IN COURT.

Machine Gun Jack McGurn
before Judge Green after
arrest on golf course.

(Story on page 2.)

Chicago Daily Tribune

5-30-33

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Mr. Clegg
Mr. Edwards
Mr. Egan
Hughes
Nathan
Tolson

McGURN MUST MR. GEBARDI'S NAME FACE U.S. JUDGE, GREEN RULES

"Machine Gun" Jack McGurn, rapper golfer when he's not at his trade as a gangster, must face arraignment on September 8 under the new law requiring hoodlums to establish a good reputation or face charges of vagrancy.

He ruled Judge Green today when McGurn was brought before him for a preliminary hearing after being in a cell at the detention bureau since Saturday, when he was arrested while participating in the Western Open Golf Championship at Olympia Fields.

McGurn was released on \$10,000 bond. His attorney, Ben Feldman, had argued stubbornly for a longer continuance of the hearing. A big crowd turned out to see the notorious hoodlum, who was questioned yesterday by federal Department of Justice agents under Chief Melvin H. Purvis. The government wants to determine whether any of his activities come under federal jurisdiction.

With the crime drive on in full force, several other hoodlums were waiting hearings. They are Walter Guida, arrested on a "reputation" warrant, and James ("Jimmie the Deuce") Adduci, public enemy and Hunkey for "Dago" Lawrence Mangano. Also in hoodlums' row was James Belcastro, 37, 44 7335 E. Marshfield av., a cousin of his namesake, James ("King of the Bombers") Belcastro, a Capone henchman.



Bashful as always in such surroundings, Vincent Gebardi, better known under the nom de guerre of "Machine Gun" Jack McGurn, appeared today before Judge Green with his attorney, Ben Feldman (right). McGurn, arrested golfing at Olympia Fields, learned he would go to trial under the new vagrancy law which requires proof that one is of good reputation and not a vagrant. (Chicago American photo.)

Chicago American

NOT RECORDED

8-29-37.

69-180-A

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7-11-37

Mr. Clerk
 Mr. Edwards
 Mr. Egan
 Mr. Hughes
 Mr. Nathan
 Mr. Tolson

 3

**Return of Capone
 To Chicago Held Up**
Questions - 8-20-33
 WASHINGTON, Aug. 19 (AP).—
 —The request of Chicago authori-
 ties and a court writ for the re-
 turn of Al Capone from Atlanta
 penitentiary to Chicago to stand
 trial will not be acted on by At-
 torney General Cummings at
 present.
 Cummings said today action
 was being held up due to uncer-
 tainty regarding the indictments
 returned against Capone.
 CHICAGO, Aug. 19 (AP).—
 Assistant State's Attorney Cun-
 ningham went to Springfield to-
 day to obtain a new extradition
 warrant for Aaron Sapiro, New
 York attorney charged, with Al
 Capone and 22 others, with con-
 spiracy in labor racketeering.
 The Grand Jury reindicted Sapi-
 ro after Governor Lehman of New
 York had refused to permit Sapi-
 ro's extradition on the ground he
 denied being in Chicago on the
 date specified in the first indict-
 ment.

NOT RECORDED

69-180-A

Mr. Clegg	.....
Mr. Edwards	.....
Mr. Egan	.....
Mr. Lester	.....
Mr. Nathan	.....
Mr. Tolson	.....

ILLINOIS VENDETTES ITSELF

Indictment of Al. Capone in Chicago on a State racketeering charge involves the possibility that he will be turned over for trial by the Federal authorities. If convicted and sentenced in the Illinois Court, he would be returned to Atlanta to serve the balance of his Federal sentence of 11 years and then be delivered to the State authorities to serve whatever sentence might have been imposed.

If this program is carried out, it will be a salutary example of State responsibility for the maintenance of law, the importance of which goes far beyond the fact that this notorious public enemy will pay a more adequate penalty for his crimes. The country was freed from the national and international disgrace of Capone's complete immunity by the energetic initiative of the Federal Government in 1930 and 1931 when the last Administration sent to Chicago a force of detectives and tax experts and obtained evidence in the face of which Capone threw up his hands. The first penalty he drew was one for contempt of Federal Court. Then, unable to beat the income tax case, he pleaded guilty, also admitting conspiracy to violate the prohibition laws, in the expectation that he would get off with a two years' sentence. The resolution of the trial judge prevented an unwholesome deal and imposed a more exemplary sentence.

But CAPONE has still thus far been able to avoid being brought to book for numerous crimes in violation of the fundamental laws of the State. If they now can be brought home to him it will be a most wholesome thing, especially at this time, when, in the clamor against racketeers and gunmen the demand most insistently heard is that Uncle Sam shall do the policeman's job for the entire country and for the whole range of crime.

The intervention of the Federal Government two years ago was a magnificent stroke for law and order. Washington has still a great part to play in war on organized crime. But the fundamental responsibility for the suppression of crime is on the State and Federal action should supplement, not supplant State initiative.

NOT RECORDED

69-180-A

The Evening Bulletin
Philadelphia, Pa.
 8-17-33

R.H.M.

Mr. Clegg.....
 Mr. Edwards.....
 Mr. Egan.....
 Mr. Ladd.....
 Mr. Nichols.....
 Mr. Rosen.....
 Mr. Tracy.....
 Mr. Carson.....
 Mr. Coffey.....
 Mr. Hendon.....
 Mr. Jones.....
 Mr. Quinn.....
 Mr. Nease.....
 Mr. Gurnea.....
 Mr. Harbo.....
 Mr. Mohr.....
 Mr. Pennington.....
 Mr. Starnes.....
 Mr. Tamm.....
 Mr. Winterrowd.....
 Tele. Rm.....
 Mr. Holloman.....
 Miss Gandy.....

**RETURN CAPONE
 HERE AUG. 29**

Al Capone, Chicago's most notorious gangster, will be returned here August 29 from Atlanta penitentiary to stand trial in the state courts with twenty-three co-defendants accused in racketeering and conspiracy indictments subject to the government's approval.

A writ of habeas corpus for the purpose of prosecuting a former No. 1 "public enemy" now serving a federal term of eleven years for income tax evasion was issued yesterday by Chief Justice Prystalski of the Criminal Court, returnable on August 29.

A certified copy of the writ is to be sent to Warden Aderholt at Atlanta, who, in the course of legal routine, will inform Attorney General Cummings at Washington.

Chicago American

8-16-33.

NOT RECORDED

69-180-A

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 10/14

AUGUST 29 FOR RACKET TRIAL

Prystalski Issues Writ; Arraignment Set; Cummings' Approval Is Required.

Subject to Federal approval, Al Capone, Chicago's most notorious gangster, will be returned here August 29 from Atlanta penitentiary to stand trial in the state courts with twenty-three co-defendants named in blanket racket conspiracy indictments.

A writ of habeas corpus for the purpose of prosecuting the former No. 1 "public enemy," now serving a federal term of eleven years for income tax evasion, was issued yesterday by Chief Justice Prystalski of the Criminal Court, returnable on August 29.

ARRAIGNMENT SET.

All defendants in the racket case, which covers illegal trade operations in five major industries and names the most prominent figures in the unions for a period of several years past, as well as a group of major hoodlums, are to be arraigned August 29.

A certified copy of the writ is to be sent to Warden Aderholt at Atlanta, who, in the course of legal routine, will inform Attorney General Cummings at Washington. Cummings will have the final word as to whether the government will consent to Capone's return.

MOLEY CONSULTED.

It is understood that State's Attorney Courtney, now in New York preparatory to sailing for a visit to Ireland, had arranged to confer before his departure with Cummings and Raymon Moley, close adviser of President Roosevelt, who is in charge of federal plans to rout rackets.

Courtney has already discussed the return of Capone with District Attorney Green of Chicago, and it is believed the government will accede to Capone's return if a convincing case can be shown against the gangster and possibility of a stiff sentence held out in the event he is convicted.

SEARCHED
SERIALIZED
INDEXED
FILED
AUG 30 1933
FBI - CHICAGO

Chicago Herald & Examiner

NOT RECORDED

8-16-33. 64-180-A

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RETURN CAPONE AUGUST 29 FOR RACKET TRIAL

Mr. Tolson
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Jones
Mr. Quinn
Mr. Nease
Miss Gandy

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is believed the government will ac-
cede to Capone's return if a con-
vincing case can be shown against
the gangster and possibility of a
stiff sentence held out in the event
he is convicted.

Chicago Herald & Examiner
NOT RECORDED

8-16-33. 69-180-A

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10/16/33
 Mr. Tolson
 Mr. Nathan
 Mr. Ladd
 Mr. Clegg
 Mr. Glavin
 Mr. Nichols
 Mr. Rosen
 Mr. Tracy
 Mr. Carson
 Mr. Egan
 Mr. Gurnea
 Mr. Hendon
 Mr. Pennington
 Mr. Quinn
 Mr. Nease
 Mr. Gandy

Writ Signed Asking Return of Capone for Racket Trial

A formal request for the return of Al Capone from Atlanta penitentiary to stand trial in the Cook county Criminal court with 23 other persons named in a conspiracy indictment charging racketeering was signed yesterday by Chief Justice John Prystalski at the request of Acting State's Attorney Grover C. Niemeyer.

The request was in the form of a writ of habeas corpus as provided under the law for the return of a prisoner to stand trial on another indictment. The first step in the proceeding was to set a trial date and, at the request of Mr. Niemeyer, Aug. 29 was the date fixed. The application for the writ of habeas corpus was then presented Judge Prystalski and signed.

Approval Up to Washington.

The action of Judge Prystalski is not binding on the federal authorities, who have Capone in the Atlanta prison under a 10 year sentence for income tax fraud. The writ was forwarded to Warden A. C. Aderholz at

Atlanta, who in turn will send it to Washington.

There it must be sanctioned by Attorney General Cummings. The attorney general is expected to return to Washington in a few days from a vacation trip in Connecticut.

It is believed by Cook county officials, however, that the government will grant the request inasmuch as State's Attorney Thomas J. Courtney and United States District Attorney Dwight Green have already conferred on the matter.

Plan of State Prosecutors.

The plan of the prosecution is to try Capone on the racketeering charge and if he is convicted have him serve the new sentence after he has finished his federal sentence.

Among those indicted with Capone on the racket conspiracy charge are Murray Humphries, his successor in gangland; Dr. Benjamin Squires, economist and labor arbiter; Ald. Oscar Nelson of the 46th ward; Aaron Sapiro, New York attorney, and Attorney Morris I. Kaplan, counsel for several trade associations. Sapiro is resisting extradition in New York.

Chicago Tribune

8-16-33.

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NEW YORK TIMES, W

CHICAGO GETS WRIT TO TRY AL CAPONE

66-11-33
Delivery of Atlanta Prisoner
Arranged With Justice
Department Officials.

INDICTED WITH 24 OTHERS

He Will Serve Out Federal Sen-
tence Before Starting New
Term If Convicted.

Special to THE NEW YORK TIMES.
CHICAGO, Aug. 15. — Arrange-
ments for the return of Al Capone
to stand trial with twenty-three
others named in a blanket indict-
ment charging racket control of
five service industries were com-
pleted today when Judge John
Prystalski signed a writ directing
the warden of the Atlanta Federal
prison to bring Capone into court
here.

Judge Prystalski set Aug. 29 for
the arraignment, but it is not ex-
pected that the trial will start on
that date.

Conferences between the State's
Attorney, Thomas J. Courtney, and
the Federal District Attorney,
Dwight Green, have assured the
State of the government's willing-
ness to surrender Capone for trial
here.

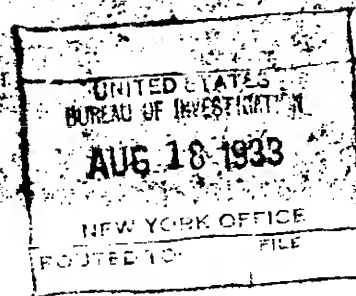
The writ will be sent by Warden
Aderholz at Atlanta to the Depart-
ment of Justice at Washington for
approval. District Attorney Green
has already conferred with Wash-
ington officials, who will cooperate
with the State.

Capone, who is serving an eleven-
year sentence for income tax eva-
sion, will be accompanied from At-
lanta by deputy wardens, who will
guard him twenty-four hours a
day.

Among those indicted with Ca-
pone were Murray Humphries,
recognized as his successor in gang-
land; Benjamin M. Squires, econo-
mist and labor arbiter; Alderman
Oscar F. Nelson, Aaron Sapiro,
New York attorney and trade or-
ganizer, and Morris I. Kaplan,
counsel for several trade associa-
tions.

Await Cummings Sanction.

WASHINGTON, Aug. 15.—An ef-
fort to obtain authority to remove



NOT RECORDED

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ness to surrender Capone for trial here.

The writ will be sent by Warden Adersholz at Atlanta to the Department of Justice at Washington for approval. District Attorney Green has already conferred with Washington officials, who will cooperate with the State.

Capone, who is serving an eleven-year sentence for income tax evasion, will be accompanied from Atlanta by deputy wardens, who will guard him twenty-four hours a day.

Among those indicted with Capone were Murray Humphries, recognized as his successor in gangland; Benjamin M. Squires, economist and labor arbiter; Alderman Oscar F. Nelson, Aaron Sapiro, New York attorney and trade organizer, and Morris I. Kaplan, counsel for several trade associations.

Await Cummings Sanction.

WASHINGTON, Aug. 15.—An effort to obtain authority to remove Al Capone, gangster leader serving a Federal sentence in Atlanta prison, to Chicago for trial on State charges was made today by State's Attorney Courtney of Cook County, Ill.

The request was received by the criminal division of the Department of Justice. It must be passed on by Attorney General Cummings, who will return from a vacation in Connecticut the latter part of this week. Officials declined today to forecast what action might be taken.

Capone and others were indicted in Chicago on charges growing out of a racketeering inquiry and Cook County authorities want to get the gang leader back for trial, feeling that he will receive a heavier sentence, if convicted, than the Federal sentence he is serving.

Policy Favors Move.

The policy of the Department of Justice in cases of this character has been to permit the State authorities to take custody of a prisoner where the local offense is more serious and where heavier punishment appears likely. There is some question in the Capone case, but it is thought possible that the State trial of Capone may be permitted while the evidence is fresh and conviction more probable.

Should Capone be convicted in Illinois, it was stated that he might be returned to Atlanta to serve the remainder of his present sentence, after which he would be turned over to the State authorities.

UNITED STATES DEPARTMENT OF JUSTICE	
AUG 18 1933	
NEW YORK OFFICE	
ROUTED TO:	FILE

NOT RECORDED

69-180-A

PLAN TO BRING CAPONE BACK IN BIG LABOR PLOT

United States Attorney Green and State's Attorney Courtney conferred yesterday on the procedure of returning Al Capone from Atlanta penitentiary to stand trial on the indictment charging him with complicity in a large labor conspiracy for which 14 men were indicted about two weeks ago.

Inasmuch as Capone is in a federal prison serving an eleven year sentence for income tax evasion, Mr. Courtney must obtain permission from Attorney General Cummings to effect his return. Mr. Green has been given to understand that no objection would be made at Washington providing adequate means were taken to safeguard the notorious prisoner while here.

The state's attorney must first obtain an order from a Criminal court judge calling for Capone's appearance at the trial. This will be transmitted to the warden of the Atlanta prison who will refer it to Mr. Cummings. Mr. Green then must approve the plans for safeguarding Capone and, once given, this approval probably will be sufficient to bring a release from Washington, D. C., of the return order.

Chicago Tribune
August 13, 1930

NOT RECORDED

69-180-A

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...that he was the victim
of a conspiracy to destroy the go-
vernment. William Dean Fawcett
came to Chicago today after a
long absence following his in-
volvement as a member of the labor
tribunal, along with Al Capone
and twenty-two others.

Within an hour after stepping off the Twentieth Century, he had surrounded at the state's attorney's office and posted bond of \$10,000.

...the demand in the July
which came to an end at
...the season for tests in
...the fact that af-
...a person has expended a trial
...four consecutive court terms,
...has been denied a trial, he is
...automatically freed.

This means that the state will have to be ready to try Alderman Jackson by November. If he had not entered his petition until Monday, the state could have had until December.

Robert Rado, business agent of the Laundry and Dye House Workers Union, No. 712, also under indictment in the racket case, surrendered and was released on \$10,000 bond, for which two pieces of real estate were scheduled.

statement issued just
to the state after
the state's
J. Edgar Hoover to the
point
in fact as fol-

Mr. Nelson and our son, who is Europe on our way to London when my law partner called me Thursday night, July 27, that I had been indicted. I immediately booked passage for our return to Chicago, and arrived this morning.

UNDER THE

Chicago Evening American

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Mr. Clerk.....
Mr. Edwards.....
Mr. Egan.....
Mr. Emerson.....
Mr. McLaughlin.....
Mr. Tolson.....

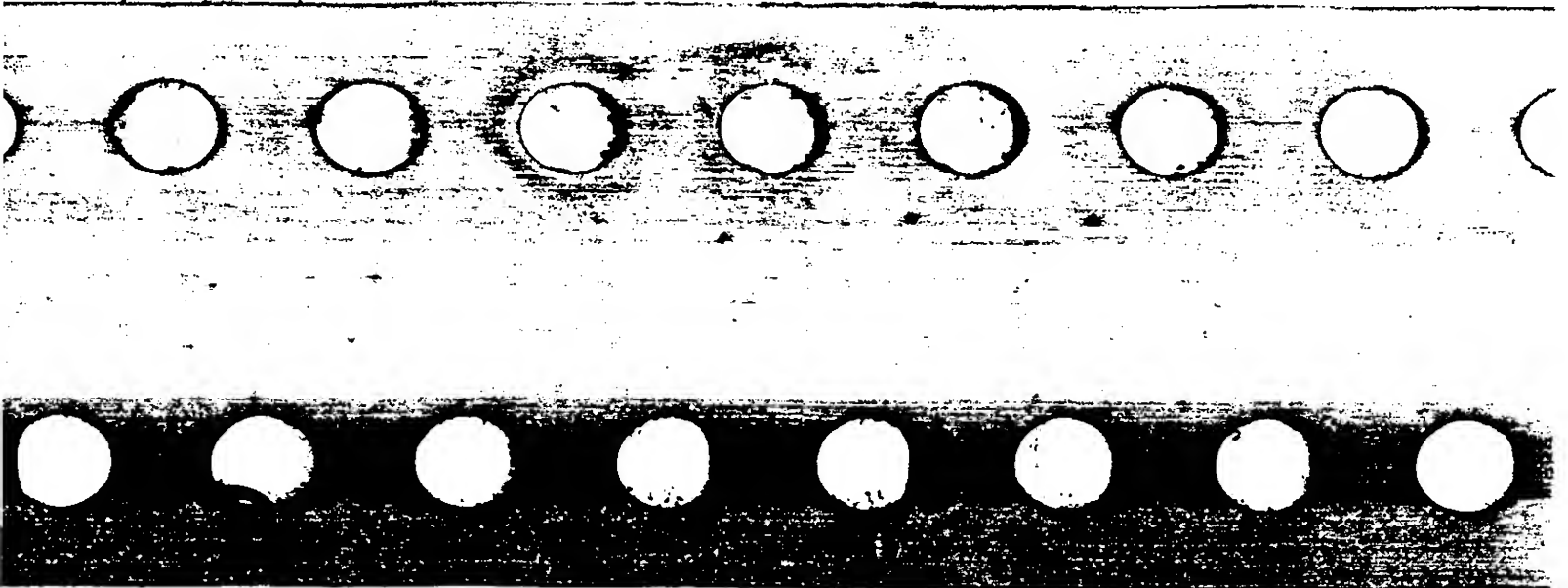
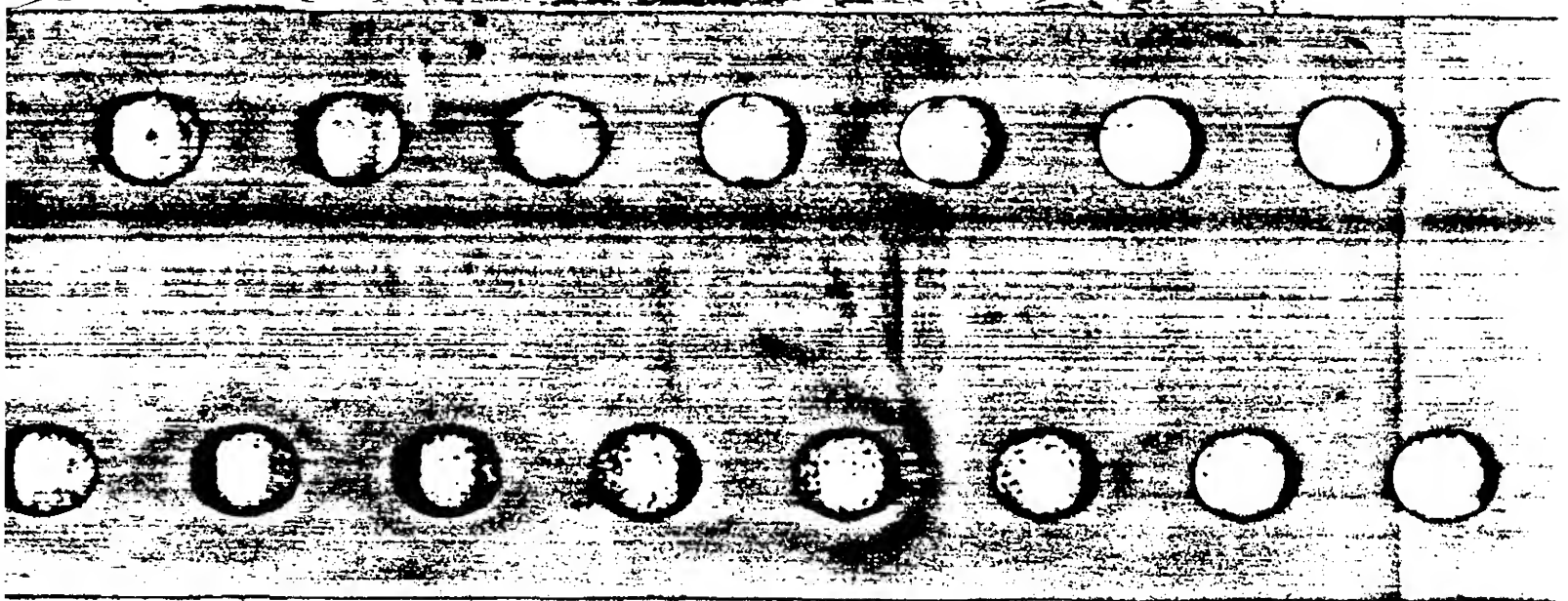
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180-A-2

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AND DEMANDS QUICK TRIAL



UNDER TWO PERSPECTIVES

My profession is a steadily growing one in a constantly changing world of public affairs. I have been head and shoulders above the Federation of Post Office Clerks. I have been chief clerk factory inspector at Chicago for four years. I was United States commissioner of conciliation for a period of six years, preventing and settling strikes, serving under Presidents Wilson and Harding.

"I have been a member of the city council for more than ten years. During all these years of public service my life and actions have been an open book. No one ever before has attempted to attack my integrity.

"The law firm of which I am the senior member represents a number of labor unions, among them the Laundry Drivers' Union, the Laundry Drivers' Union and the Chicago Laundry Owners' Association have had a working agreement for more than twenty-eight years. As the attorney for the union I have rendered legal opinions in connection with their labor contracts.

RABER A TOOL, WE SAY.

"I have no apology to make for any opinion I have rendered, and I have violated no law in connection with any of my legal services.

"My prominence in the field of politics and labor has aroused certain jealousies.

"The special prosecutor, Mr. Raber, is being used in an attempt to destroy me politically. I have hastened my return to Chicago by the fastest transportation available to demand an immediate trial for the purpose of vindicating my integrity. Before I get through, I expect to show the public of Chicago who are the real conspirators and racketeers."

Personal Services

Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Harbo	
Mr. Hendon	
Mr. Jones	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

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WASH STAR

8-4-1933

REQUEST FOR CAPONE'S RETURN IS HELD FALSE

Chicago Has Not Yet Asked His
Release for Rackets Trial,
Bates Declares.

Reports published in Chicago that Al Capone would be returned there from the Atlanta Federal Penitentiary to stand trial in the rackets conspiracy case were said at the Justice Department today to be premature.

Sanford Bates, director of prisons, said no request had been received from the Chicago authorities for Capone's return and that if such a request was received it would be passed upon in the usual manner. Until a request was received, he continued, the department would have nothing to say about the case.

NOT RECORDED

69-180-A-7

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CAPONE EFFORT TO INFLUENCE JUDGE CHARGED

Ald. Nelson Accused by Brundage.

Charges that friends of Al Capone tried on two occasions to bring influence to bear on Federal Judge James H. Wilkerson to "go easy" on the gang leader were made public yesterday in connection with the bitter fight for alderman in the 46th ward.

Oscar F. Nelson, Republican, is running for reelection in this ward against Arthur A. Dehmow, another Republican. Both have bipartisan support.

Ald. Nelson has been listed by the Municipal Voters' league as the "preferred" candidate in this struggle. This recommendation, it was learned yesterday, was given despite certain allegations made to the officers of the league by former Attorney General Edward J. Brundage. Mr. Brundage, who is one of Dehmow's chief backers, told the league officers that Nelson had had affiliations with Capone.

Hard Back to Capone Trial.

Incidents upon which these charges were based took place in October, 1931, when Capone was on trial before Judge Wilkerson for income tax evasion.

Both Mr. Brundage and Ald. Nelson have told their versions of the incidents to the league. They repeated them yesterday to a TRIBUNE reporter. The narratives agree on some points but differ greatly in interpretation. Ald. Nelson denied any Capone connections—past or present.

Mr. Brundage told this story in substantiation of his statements:

"One night during the latter part of the Al Capone trial in October, 1931, I received a telephone call at my home in Lake Forest from State Senator Dan Serritella [of the First Chicago district, a follower of Al Capone]. He asked if he could drive to my home and talk with me. Serritella is a Republican committeeman. I told him to come."

...squares deal for Capone before Judge Wilkerson. (Judge Wilkerson and Mr. Brundage were political associates before the judge went on the federal bench in 1921.)

"They said that the judge was not treating Capone's lawyers fairly. I told them I was certain that they were getting fair and impartial treatment, but they asked me to talk with the judge."

"Capone said, 'We can beat this case on its merits; all we want is a squares deal.'"

Boasts of His Power.

"Capone also boasted of his power in politics and mentioned that he had followers in the city council. He named Ald. Nelson as one of these followers and, turning to Serritella, said, 'Have Nelson out here tomorrow night.'"

"The following day I talked with Judge Wilkerson, who told me that Capone's lawyers [Michael Ahern and Albert Fink] were objecting to every piece of government evidence and that they would be treated as lawyers when they acted as lawyers."

"The following night Serritella came again to my home with Ald. Nelson. Capone was not with them. Ald. Nelson and I talked 46th ward politics [Mr. Brundage is a voter in that ward]. Nelson assured me he was for anything I wanted."

"These incidents took place early

Mr. Nelson
Mr. Tolson
Mr. Edwards
Mr. Clegg

Handwritten signature

Chicago Daily Tribune

2/25/33

INDEXED

NOT RECORDED

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CAPONE EFFORT TO INFLUENCE JUDGE CHARGED

[Continued from first page.]

in the week in which Capone was found guilty. Later, I believe it was a day or two after his conviction [Capone was still at liberty on bail]. Capone came to my office at 110 South Dearborn street. With him were Serritella, Ald. Nelson, Patrick Sullivan of the Chicago Building Trade council, and Jerry Horan of the Flat Janitors' union.

"They said they had heard that Judge Wilkerson intended inflicting a heavy sentence upon Capone. Serritella thought that a two year term, as was originally proposed when Capone pleaded guilty to the indictment, would be sufficient. I don't recall who made the statement but I was told that if Capone received a two year term the opposition of railroad labor to Judge Wilkerson's elevation to the Circuit bench would be withdrawn."

Judge Wilkerson was not formally nominated for the Page vacancy on the Circuit Court of Appeals by President Hoover until Jan. 12, 1932, but he had been mentioned for the post.

It was suggested that organized labor would contest his confirmation by the United States senate.

"I asked this group in my office," Mr. Brundage continued, "if they were guaranteeing that William Green, president of the American Federation of Labor, would not oppose confirmation. They told me they could make that guarantee. I told them I would consider what they had said."

Gets 11 Year Sentence.

Capone received an eleven year sentence from Judge Wilkerson a few days later and is now serving that term in Atlanta penitentiary.

Ald. Nelson, in his version of these incidents, flatly denied that he went to Brundage's office with Capone and that the conversation was along any lines save politics.

"During the trial," the alderman said, "I received a call from Serritella. He asked me to drive with him to Mr. Brundage's home to discuss harmony among the Republican factions in the 45th ward. I agreed and we went to Lake Forest. There we talked politics but came to no agreement. I told Mr. Brundage that I was ready to confer with him at any time but we did not agree on any candidate for ward committeeman or for any other post.

"I learned that Capone had been there the night before and I assume that Serritella wanted me to go there in order to make it appear I was answering a summons.

Gets Another Call.

"A few days later, I received a telephone call from Patrick Sullivan and Jerry Horan. They said Serritella had called to say that Mr. Brundage wanted

to talk with the boss of the ward politics. I agreed and Sullivan, Horan, and I went there together. I was considerably surprised to walk into Brundage's office and find Serritella and Capone with him. I had met Capone only once before in my life and knew him only casually.

"We talked politics alone. Nothing was said about Capone's conviction. Capone took no part in the conversation, save to laugh occasionally when some one said something funny. As before, there was no agreement between Brundage and me although we talked about various men in the ward. There certainly was no mention of labor opposition to Judge Wilkerson. He had not even been mentioned at that time."

"I suppose," Ald. Nelson concluded, "that Serritella called for Sullivan, Horan, and me in order to create the impression to Brundage that he and Capone had friends in organized labor."

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CAPONE CODDLED IN ATLANTA PRISON

Still 'Big Shot' and Wears Silk
Underwear, Says Former

Convict

HIS SHOES \$25 A PAIR

Following is the first of a series of three stories describing Al Capone's life in Federal prison at Atlanta, where he is serving a sentence of 11 years for income tax fraud. The author is an ex-convict, committed from Philadelphia, who worked in the prison shoe shop with the notorious gang leader. He has just been released after completing a sentence of 28 months for impersonating a Federal officer.

BY EX-CONVICT NO. 35,503

Atlanta, Ga., Jan. 22.—Al Capone remains "the big shot."

He was "the big shot" in the years he dominated Chicago's racketeering underworld and he is still "the big shot" behind the gray walls of Atlanta prison—at least so far as his personal comfort and special privileges are concerned.

Outside of actually being permitted to leave the walls, he gets about what he wants over there in the Big House, far more at any rate than the ordinary prisoner.

Plentifully supplied with money (although no other prisoner is permitted to have more than \$10 at one time) he still wears the silk underwear that he boasts costs him \$12 a suit, he wears suits tailored for him in the prison tailor shop and the specially made shoes that he says costs him \$25 a pair.

Other convicts wear the regulation prison issue garb.

He receives and sends a voluminous mail, although other prisoners are limited to writing two letters a week. On the ground that it is "business correspondence" much of it goes uncensored. I've seen him get lots of uncensored letters.

In the matter of visitors, too, he gets a fairly free hand. They're coming down here all the time from Chicago to see him, and Al persuaded the authorities to let him have a special room in which to see them. There isn't any guard around when Al talks business with his friends.

His "work" in the shoe shop is more or less a joke. He usually shows up for an hour or two in the morning to tack on some rubber heels. Then there will be visitors, or he goes over to the hospital for treatment, or play tennis. He has spent hours on the tennis court.

Often he spends nights in the hospital, where there are regular mattresses on the beds instead of the straw ticks used in the cell.

Sometimes he eats with the other prisoners. Sometimes he doesn't.

With his money, he can buy things from the commissary that are a good deal more appetizing than the prison grub, which isn't so hot.

But with all his money and his special privileges, Al Capone is a mighty unhappy man.

When he first came down to the prison, he cried on everybody's shoulder that would listen to him about how he had been "double-crossed" and "cheated" by the authorities in Chicago. He said he had distributed 800 "grand" in Chicago to insure a light sentence, but they crossed him up, he said.

I've heard him put his head in his hands and say, "Oh, why did I do it?" I don't know whether he meant the crime for which he was sentenced or the 800 "grand."

Naturally, getting all these privileges, and his perpetual crabbing against his fate and everything else hasn't tended to make him very popular with the other inmates. He has a small clique around him that toady to him for cigars, cigarettes, extra food, and other things that make life in there more endurable.

The prison commissary even put in his own favorite brand of cigars. He buys them by the box.

They call him "Grease Ball" and "Wop" and "Macaroni Bender" and make obscene cracks about his being "a big shot."

And he will yell at them, "Shut up, you mugs, I've handled more dough than you and all your families ever saw," with plenty of profanity mixed up in it.

He has been trying for some time to wangle a transfer to the new Federal prison at Lewisburg, Pa. But he hasn't had much luck yet.

(C1933)

NOT RECORDED

Bulletin, (Pa) 69-100-A
January 2, 1933

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U. S. Department of Justice
Bureau of Investigation

Mr. Nathan ☒
Mr. Tolson ☒
Mr. Edwards ☒
Mr. Glavin ☒

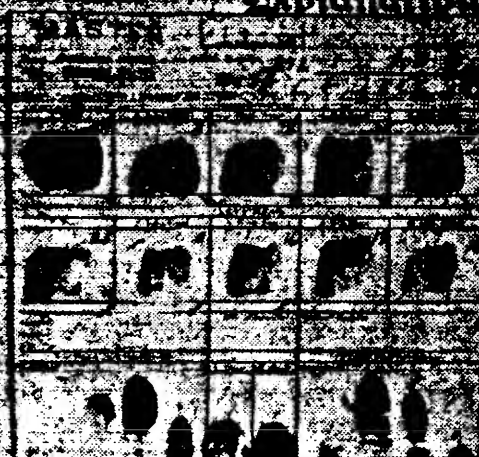
First and Exclusive Picture of Al Capone's Fingerprint Record

United States Bureau of Investigation

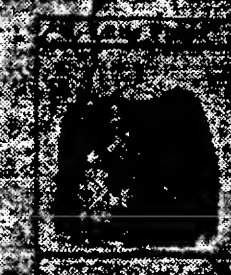
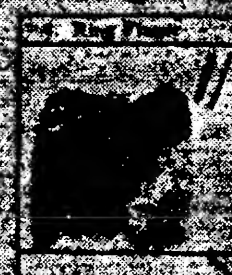
Washington, D. C.

December 29, 1932

Explanation of Fingerprint Classification of Alphonse Capone



29 1 1 U 101 8
1 1 U 101 16



A little insight into the operation of the Federal criminal bureaus is given in this exclusive picture of the fingerprint record of Alphonse Capone, "Public Enemy No. 1" of the nation. The picture, on file with the U. S. Bureau of Investigation in Washington, gives the com-

plete classification of each of Capone's fingers; his criminal record; his real name, which, (upper left) seems to be Alphonse Capone; his several aliases, and finally his Rogues' Gallery pictures. Picture from International News Photograph Service.

The N. Y. Journal Dec 29, 1932

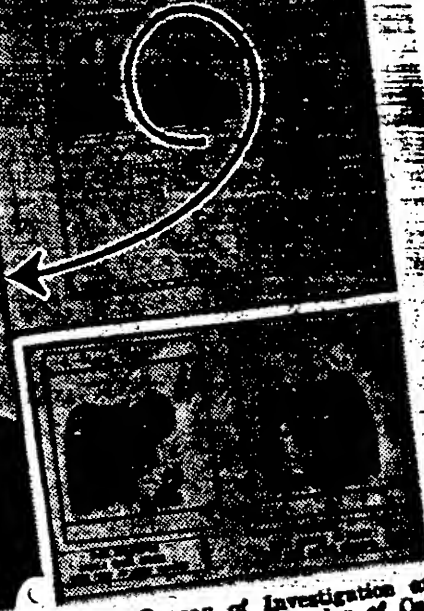
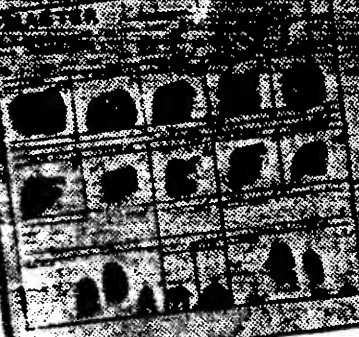
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Uncle Sam's Biography of Al Capone

United States Bureau of Investigation
Fingerprint Classification



Here is the first rogues' gallery photo and fingerprint record ever published of Al Capone, notorious Chicago gang czar, since the racket king was sentenced to eleven years in Atlanta Federal penitentiary for income tax evasion. The picture, on file in the United States Bureau of Investigation at Washington, gives a complete classification of Capone's physical characteristics, criminal record, various aliases and photographs. Inserted close-up is an enlargement of the small photo at top of the record.

12/3/33

No newspaper given.

NOT RECORDED

69-180-A-5

CAPONE HEARS LAWYERS ARGUE HIS APPEAL CASE

Looks Thinner than When He Entered Prison.

Atlanta, Ga., Nov. 18.—[Special.]—Alphonse Capone, gangster, who was



JUDGE E. M. UNDERWOOD.
[C] Harris & Ewing
At the end of the hearing Federal Judge E. Marvin Underwood took under advisement the government's motion to dismiss the habeas corpus petition brought by Capone's attorneys. These attorneys had claimed that Capone was convicted of offenses which had occurred more than three years before his indictment and that he should have been freed under the statute of limitations.

Capone was taken from his cell in the federal penitentiary and transported under heavy guard to the courtroom. He arrived there an hour before his case was called. With his hands manacled he was led through the corridors of the federal building, which had been cleared of the curious who came to view him.

"Looks Thin, but Fit."

During the arguments he appeared intensely interested, but did not speak, even to confer with his counsel. He appeared much thinner, bronzed, and in better physical trim than he was in May when he arrived here to begin serving the ten year term meted out to him in the federal court in Chicago.

The blue suit Capone wore, with much of his fat gone, clung in loose folds to his frame. It was not as well pressed, either, as his garment was wont to be of yore. His tie was a subdued gray and white check. His soft gray hat, the same one that he brought with him, was kept close at the side, and when the hearing was concluded and he was led out to the street to start back to his gray stone home he kept the hat over his hands.

It was the second time the gangster had left the penitentiary since his arrival. He was taking to court for a few minutes on Nov. 18, when the attorneys filed his application for the writ of habeas corpus. On each occasion a large number of deputy marshals were assigned to guard him and to keep order around the court.

William H. Leahy of Washington, one of the Capone attorneys, told the court that his client's case was similar to that of William H. Scharton, Boston attorney, whom the Supreme court freed of income tax charges under the statute of limitations.

C. A. Youngquist, assistant attorney general of the United States, and assistant District Attorney Hal Lindsey argued that there was no similarity between the cases and that the Capone petition "read itself out of court."

It was pointed out that in the Scharton trial a plea at bar was made at the conclusion of the case. That, said Mr. Youngquist, was the proper procedure, and it had not been followed by the Capone attorneys.

Not Habeas Corpus Case.

"The law of habeas corpus," he continued, "cannot be used as a substitute for appeal. Yet Capone is trying to use it for that purpose. The sufficiency of the evidence is not a proper subject matter to sustain a writ of habeas corpus. The proper place to introduce additional evidence, if he had it, was in the trial. The statute of limitations does not begin until a default in taxes becomes willful. It does not begin running when the taxes become past due."

Leahy contended that this argument was not correct and quoted cases run-

ning back as far as 1870. He asserted, also, that the time Capone spent in jail in Philadelphia and his residence in Florida should be considered part of the time applicable to the statute of limitations.

This was another point of divergence among the attorneys, the government asserting that only the time he spent in the Chicago federal district should count.

Gives Week For Briefs.

Judge Underwood gave the attorneys a week in which to file briefs containing their arguments.

It was learned today that Capone has never officially been asked to pay the income taxes he owed and evaded. The internal revenue office in Atlanta is awaiting the arrival of distraint warrants demanding payment. These will be served on the gangster. After they have been delivered the government will be empowered to levy on Capone's property for the taxes.

NOT RECORDED

69-140-A-3

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**HEARING POSTPONED
ON 'CAPONE'S' WRIT**

Atlanta, Ga., Oct. 19 (AP).—Hearing on a habeas corpus petition by which Scarface Al Capone seeks his release from the federal prison here was postponed today until the week of Nov. 14.

*Daily News

Oct 20, 1932

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NOT RECORDED

64-180-A-1

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DAILY NEWS, WEDNESDAY, OCTOBER 18, 1933

CAPONE TO RATTLE PRISON BARS TODAY

Atlanta, Ga., Oct. 18 (AP).—Prisoner 40886 will put aside his blue-tray denim uniform tomorrow or Thursday and Scarface Al Capone, Chicago's erstwhile gang chieftain, will emerge from the Atlanta Federal penitentiary to wage another legal battle for his freedom.

His petition for a writ of habeas corpus is scheduled to be heard in Federal Court tomorrow before Judge Marvin Underwood.

"The Supreme Court held that the statute of limitations had a period of three years and that offenses committed more than three years before cannot result in conviction," Hughes explained.

The attorney said the decision is "certainly applicable to Capone's case" and that he expects him to be freed.

He's In For Ten Years.

The gangster is serving a 10-year sentence for violation of the income tax laws in 1926, 1927 and 1928, and seeks his freedom on the contention that his prosecution should have been barred by the statute of limitations.

The filing of the petition Sept. 21 gave Capone his first few minutes in the open since he was brought to the penitentiary, heavily manacled, May 4.

Recent Decision Cited.

William J. Hughes Jr., of Washington, D. C., Capone's attorney, will cite the recent decision of the United States Supreme Court in the case of Scharton, a Boston lawyer.

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69-160-A-2

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